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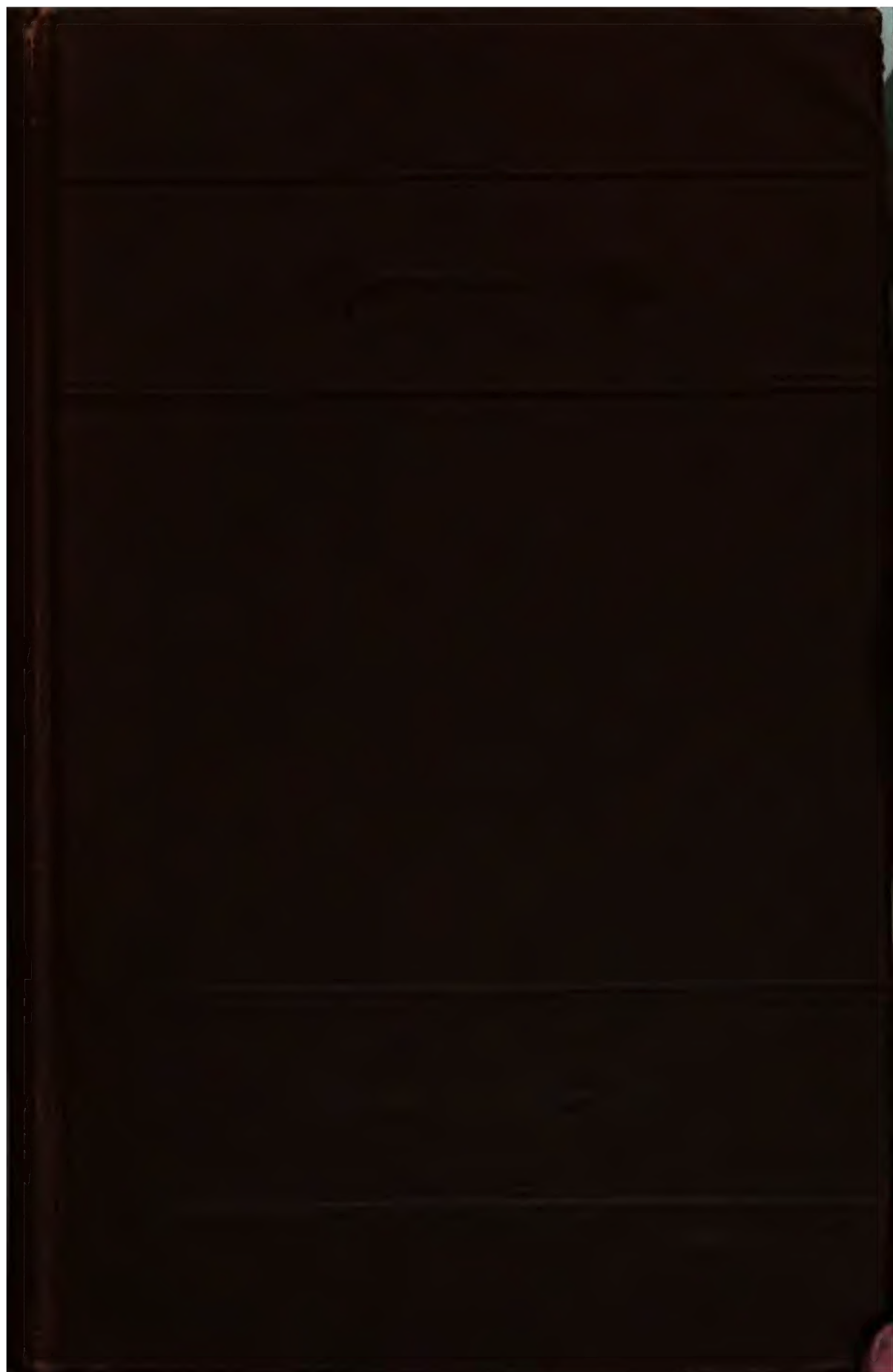
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**H. R. 15651**  
**EIGHT HOURS FOR LABORERS ON**  
**GOVERNMENT WORK**

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**HEARINGS**

BEFORE

**SUBCOMMITTEE NO. 1, COMMITTEE ON LABOR**

OF THE

**HOUSE OF REPRESENTATIVES**

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**FEBRUARY AND MARCH, 1908**

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**MEMBERS OF SUBCOMMITTEE No. 1**  
**SIXTIETH CONGRESS**

**JOHN J. GARDNER, NEW JERSEY, *Chairman***  
**EDWARD B. VREELAND, NEW YORK      HENRY T. RAINEY, ILLINOIS**  
**KITTREDGE HASKINS, VERMONT      THOMAS D. NICHOLLS, PENNSYLVANIA**  
**JOHN G. SHREVE, *Clerk***

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**WASHINGTON**  
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**1908**

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# COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES.

SIXTIETH CONGRESS.

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GEORGE W. RAUCH, INDIANA.

JOHN G. SHREVE, *Clerk.*

JUN 6 1908  
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22.7.5.16

## EIGHT HOURS ON GOVERNMENT WORK.

HEARING BEFORE THE COMMITTEE ON LABOR OF THE HOUSE OF REPRESENTATIVES ON THE BILL H. R. 15651, ENTITLED "A BILL LIMITING THE HOURS OF DAILY SERVICE OF LABORERS AND MECHANICS EMPLOYED UPON WORK DONE FOR THE UNITED STATES, OR FOR ANY TERRITORY OR THE DISTRICT OF COLUMBIA, AND FOR OTHER PURPOSES."

*Copy of bill under consideration, H. R. 15651, Sixtieth Congress, first session.*

A BILL Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon such work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions in this Act directed to be made in every such contract, together with the names of each laborer or mechanic violating such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the Department making the contract, or in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

SEC. 2. That nothing in this Act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this Act during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition. Nothing in this Act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two.

SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, February 18, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair, having under consideration H. R. 15651.

**STATEMENT OF DANIEL DAVENPORT, OF BRIDGEPORT, CONN.,  
REPRESENTING THE AMERICAN ANTIBOYCOTT ASSOCIATION.**

Mr. DAVENPORT. Mr. Chairman, of course the subject of drafting a law is a very practical matter. It is important, in the first place, to consider what the existing law is upon the subject and what the measure proposed is, and what will be the effect of the proposed changes upon existing law, and therefore I would ask that the existing law, which I will read, be incorporated in my remarks, being chapter 352 of the acts of Congress for the year 1892. The chapter reads as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor, upon any of the public works of the United States or of said District of Columbia is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government, or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers and mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in cases of extraordinary emergency.

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor, whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon any of the public works of the United States or of the District of Columbia who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor, and for each and every such offense, upon conviction, be punished by a fine not to exceed one thousand dollars or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

SEC. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors or to limit the hours of daily service of laborers or mechanics engaged upon the public works of the United States or of the District of Columbia for which contracts have been entered into prior to the passage of this act.

Now, there have been, since that law was enacted, several bills proposed to regulate this matter, and one is known as the "Gardner bill," which was introduced at various sessions of the past Congresses, and in order that we may have that bill before the committee and in connection with the law which I have read and in connection with the bill that is immediately before the committee, I would ask that that bill may be inserted, and inasmuch as I want to draw attention to the provisions of that bill in connection with the pending bill, I will read it to the committee. It reads as follows:

[H. R. 3076, Fifty-seventh Congress, first session.]

A BILL Limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall con-

tain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of five dollars for each laborer or mechanic for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon observation or investigation report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the provisions of this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire, flood, or danger to life or property. Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

Mr. HASKINS. You have read those in order to have them put into this record?

Mr. DAVENPORT. Yes, in order that they may be directly before the gentlemen who have the very onerous task of drafting a bill, if one is to be drafted, and also to consider it in connection with what I want to say and what I suppose other gentlemen want to say.

The proposed bill, under the same title, is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon such work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions in this Act directed to be made in every such contract, together with the names of each laborer or mechanic violating such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the Department making the contract, or in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and from such final order whereby a con-

tractor or subcontractor may be aggrieved by the imposition of the penalty herein before provided such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

Sec. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia may waive the provisions and stipulations in this act during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition. Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two.

Now, in order that the members of the committee who have not previously heard the discussions here, and who might not find them in looking into the voluminous records of the previous hearings, I want to call their attention to the conceded purpose and effect of this bill. It has always been contended here, and has always been stated by the opponents of the bill, that the necessary effect of it would be to compel those who might desire to obtain Government work to either work their whole factory on an eight hour a day basis or to abstain altogether from doing work for the Government. Of course it is apparent to everyone that if everybody was obliged to abstain from doing work for the Government under laws of this kind, it would paralyze the work of the Government, and, as I understand it, the purpose of this bill is to give directions to the officers of the Government as to what kind of contracts they should make. It would not be the part of wisdom on the part of the legislative department to enact a law which would have the latter effect. The other alternative is conceded to be the inevitable result, both by those who oppose the bill and those who favor it; and in that connection I want to read from the statement made by Mr. Gompers, who appeared before this committee in 1902, and it is to be found on page 213 of the hearings before this committee at that time, when Judge Payson stated, as he had previously stated, that it would be impossible for any plant to run a part of the time, doing Government work for eight hours and other work for ten hours, and that the purpose of this bill was to compel everyone of those concerns to go to the eight-hour basis. This is Mr. Gompers's statement:

Judge Payson did me the honor, and did our movement the honor, to state candidly our position so far as this bill is concerned. That is what we hope to accomplish. We believe exactly what some of the employers who appeared before this committee and other committees upon the subject say. We believe it will not be long when the eight-hour law shall pass, and I trust it may pass. If this bill shall become a law, it will not long be possible to operate one branch of a plant on the eight-hour basis and another upon the ten-hour basis.

So that the anticipated effect, the predicted effect, and the desired effect is to compel every concern that does any work for the Government to run its factory upon an eight-hour basis entirely; otherwise, if they all abstain from it, of course the business of the Government could not be carried on, for you will observe that the purpose of this bill is to make it impossible for anybody to work overtime and be paid overtime. The very object of the bill is to deprive the workmen of this country of the privilege, if they see fit to exercise it, of

working overtime for overtime pay, and to deprive the employer of the privilege of hiring men on such terms; and as I say, it is conceded, or has been heretofore, by those who have advocated this legislation, as well as by those who have opposed it, that that will be the result. It is worth while to consider the genesis of such an interesting proposition as that, and in that connection I want to read what Mr. Gompers said before the Committee on Education and Labor of the United States Senate in 1903, to be found in the hearings at page 601. I have previously brought to the attention of the committee the terms of the act of 1892. Now, how did any such idea as this, any such proposition as this, which aims a blow at the individual liberty of every workman in this country to supply his family and do work to support his family and better his condition by working more than eight hours a day if he chooses to, and depriving an employer of the privilege which he has to employ such persons—how did it originate? It originated, it appears, in a scheme to circumvent the Constitution of the United States. Year after year the proposition was pending before this committee to provide an amendment to the act of 1892 which directly accomplished that result, and here is what Mr. Gompers says about the way this originated:

It was during a hearing upon an amendment to the present eight-hour law, some six years ago, before the House Committee on Labor, when Mr. Phillips was chairman, and Mr. John J. Gardner, of New Jersey, a member of the committee—I think two days before the expiration of the life of that Congress—that an argument was had, and Mr. Gardner, in discussing the amendment, called attention to what he believed, that the amendment would be regarded and construed as unconstitutional and ineffective if it were enacted; and then began an argument on a line of policy upon which a bill could be drafted for the extension of the eight-hour law, and designed to cover what we had in view and yet be effective and constitutional.

It was my privilege to be at that hearing, and, to be very frank with you, I was hurt and indignant at the thought that a bill that had dragged along for the entire two sessions was not reported upon. A member of the committee who had found effective fault with an amendment which had been before the committee during that entire Congress at the last hour suggested a line of a bill that would be effective. The result of it, however, was that the committee reported the amendment favorably. The bill died, but we had gained at least a favorable report through the purpose of an effective eight-hour bill or law.

In the next Congress Mr. Gardner was made chairman of the Committee on Labor, and together with him were associated my friend, Mr. James Duncan, Mr. P. J. Maguire, one or two other gentlemen, and myself, and we drafted jointly a bill upon the lines suggested by Mr. Gardner, making such suggestions and alterations as seemed to us appropriate within proper lines and that might make the bill, if enacted, more effective. That bill was before the Committee on Labor, and hearings were had upon it, and I remember very well my friend, Judge Payson, at the first hearing, challenged the world to produce any man insane enough to stand sponsor for that bill. He never believed that there was anyone who dared say one word in its behalf. I then did not have the honor of the judge's acquaintance. He did not know me, nor did he know any of my associates who were in the room, but we did dare to say something in its behalf; and, as he has already advised you, he has met us here before the Senate Committee on Education and Labor, not only in this Congress but in the Fifty-sixth and in the Fifty-fifth Congresses, and I believe he has at least modified his view and his tone as to the sanity of those who advocate the bill, and that at least we have the temerity to stand for that which we believe.

It may not be amiss to call attention to the fact that, despite the efforts to throw a cloud of odium upon the manner and make-up of the Committee on Labor of the House, and the House of Representatives itself, this very bill was not only reported favorably by the House Committee on Labor and passed almost unanimously in three Congresses of the United States, but it also had the favorable report of the Senate Committee on Education and Labor; and this, too, despite the eloquence and legal learning of my friend Judge Payson and his associates before these various committees.



That bill, having passed the House of Representatives, was referred to the Committee on Education and Labor, and various modifications were made in it, and it was reported out, and is substantially if not literally the bill that is now offered for the consideration of this committee. The only exception that I note, from such examination as I have made of it, is the addition as to any extraordinary event or occasion.

¶ There are various aspects in which to consider this bill. In the interim some very interesting decisions have been made by the Supreme Court of the United States bearing upon this subject and upon the rights of the employer and the rights of workmen to dispose of their labor, upon what, as I understand the purpose of this bill and as I understand the desire of those who advocate its passage, is sought to be accomplished by it. Right in that connection, as describing what those rights are, I want to call the attention of the committee to the decision of the Supreme Court in the case of *William Adair, plaintiff in error, v. The United States*, decided at this present term and reported in the Two hundred and seventh United States. Of course it was a case that involved the constitutionality of the clause in the Erdman Act, making it a criminal offense for a person to discharge an employee because he belonged to a labor union. I read this for the purpose of showing how squarely the Supreme Court of the United States has placed itself on record in line with a certain other decision, which I shall proceed to quote, upon this kind of bill, which is now pending before the committee, and how squarely it plants itself upon the constitutional rights which are sought, as I say, to be taken away by indirection, if possible, by this bill. I quote as follows:

The first inquiry is whether the part of the tenth section of the act of 1898 upon which the first count of the indictment was based is repugnant to the fifth amendment of the Constitution declaring that no person shall be deprived of liberty or property without due process of law. In our opinion that section, in the particular mentioned, is an invasion of the personal liberty, as well as of the right of property, guaranteed by that amendment. Such liberty and right embraces the right to make contracts for the purchase of the labor of others and equally the right to make contracts for the sale of one's own labor; each right, however, being subject to the fundamental condition that no contract, whatever its subject-matter, can be sustained which the law, upon reasonable grounds, forbids as inconsistent with the public interests or as hurtful to the public order or as detrimental to the common good. This court has said that "in every well-ordered society, charged with the duty of conserving the safety of its members, the rights of the individual with respect of his liberty may, at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand." *Jacobson v. Massachusetts* (197 U. S., 11, 29) and authorities there cited. Without stopping to consider what would have been the rights of the railroad company under the fifth amendment, had it been indicted under the act of Congress, it is sufficient in this case to say that as agent of the railroad company and as such responsible for the conduct of the business of one of its departments, it was the defendant Adair's right, and that right inhered in his personal liberty, and was also a right of property, to serve his employer as best he could, so long as he did nothing that was reasonably forbidden by law as injurious to the public interests. It was the right of the defendant to prescribe the terms upon which the services of Coppage would be accepted, and it was the right of Coppage to become or not, as he chose, an employee of the railroad company upon the terms offered to him. Mr. Cooley, in his treatise on Torts, page 278, well says: "It is a part of every man's civil rights that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice, or malice. With his reasons neither the public nor third persons have any legal concern. It is also his right to have business relations with anyone with whom he can make contracts, and if he is wrongfully deprived of this right by others, he is entitled to redress."

In *Lochner v. New York* (198 U. S., 45, 53, 56), which involved the validity of a State enactment prescribing certain maximum hours for labor in bakeries, and which made it a misdemeanor for an employer to require or permit an employee in such an establishment to work in excess of a given number of hours each day, the court said: "The general right to make a contract in relation to his business is part of the liberty of the individual protected by the fourteenth amendment of the Federal Constitution. (*Allgeyer v. Louisiana* 165 U. S., 578.) Under that provision no State can deprive any person of life, liberty, or property without due process of law. The right to purchase or to sell labor is part of the liberty protected by this amendment, unless there are circumstances which exclude the right. There are, however, certain powers existing in the sovereignty of each State in the Union, somewhat vaguely termed police powers, the exact description and limitation of which have not been attempted by the courts. Those powers, broadly stated and without at present any attempt at a more specific limitation, relate to the safety, health, morals, and general welfare of the public. Both property and liberty are held on such reasonable conditions as may be imposed by the governing power of the State in the exercise of those powers, and with such conditions the fourteenth amendment was not designed to interfere. (*Mugler v. Kansas* 123 U. S., 623; in re *Kemmler* 136 U. S., 436; *Crowley v. Christensen* 137 U. S., 86, in re *Converse*, 137 U. S., 624.) \* \* \* In every case that comes before this court, therefore, where legislation of this character is concerned and where the protection of the Federal Constitution is sought, the question necessarily arises: Is this a fair, reasonable, and appropriate exercise of the police power of the State, or is it an unreasonable, unnecessary, and arbitrary interference with the right of the individual to his personal liberty or to enter into those contracts in relation to labor which may seem to him appropriate or necessary for the support of himself and his family? Of course the liberty of contract relating to labor includes both parties to it, although there was a difference of opinion in that case among the members of the court as to the general proposition that there is a liberty of contract which can not be unreasonably interfered with by legislation. The minority were of the opinion that the business referred to in the New York statute was such as to require regulation, and that as the statute was not shown plainly and palpably to have imposed an unreasonable restraint upon freedom of contract, it should be regarded by the courts as a valid exercise of the State's power to care for the health and safety of its people.

Mr. HASKINS. He is referring there to the judgment of the court of appeals, is he not?

Mr. DAVENPORT. Yes, sir.

Mr. HASKINS. They held it constitutional.

Mr. DAVENPORT. Unconstitutional.

Mr. HASKINS. The court of appeals held it constitutional.

Mr. DAVENPORT. Yes, and it was reversed by the Supreme Court. Now, this committee should also bear in mind the decisions of the Supreme Court upon the validity of legislation looking to the making criminal the employment by any contractor or subcontractor upon the public works, whether of a State or of the nation, in excess of a specified number of hours. In the case of *Adkin v. Kansas*, in Thirty-first United States—

The CHAIRMAN. Pardon me, I do not want to interrupt you, but there is no proposition in this bill to make anything criminal.

Mr. DAVENPORT. Oh, I understand. When I get the attention of the committee brought to these cases, I think I can very quickly make the application.

The CHAIRMAN. Very well.

Mr. DAVENPORT. In the case of *Adkin v. Kansas*, in the Thirty-first United States, and in the case of *Ellis v. United States* (236 U. S.), decided at this term, the Supreme Court held that it was within the police powers of the governments of both the State and the nation to make it a crime to do certain things such as are specified, upon the public work or works of the State or of the nation; but in making that decision, in coming to that result, they carefully abstained from con-

sidering or passing upon the question that arises in legislation of this character, for there has been a decision by an eminent court upon this sort of law which declared it to be unconstitutional for the very reasons which the Supreme Court have emphasized in this case of *Adair v. United States*. For the convenience of the committee and for the convenience of those gentlemen who may hereafter, on either side, have occasion to examine this, I want to call the attention of the committee to that decision. I refer to the case of the *City of Cleveland v. the Clements Brothers' Construction Company* (67 Ohio State Reports, p. 197). The provisions of that act were almost identical in terms with those of the Gardner bill and with the substantial provisions of the present pending bill. The syllabus reads as follows:

1. The act of April 16, 1900, 94 Ohio Laws, 357, entitled "An act to provide for limiting the hours of daily service of laborers, workmen, and mechanics employed upon public work, or of work done for the State of Ohio, or any political subdivision thereof, providing for the insertion of certain stipulations in contracts of public works imposing penalties for violations of the provisions of this act, and providing for the enforcement thereof," is in conflict with sections 1 and 19 of article 1 of the constitution of Ohio, because it violates and abridges the right of parties to contract as to the number of hours' labor that shall constitute a day's work, and invades and violates the right, both of liberty and property, in that it denies to municipalities and to contractors and subcontractors the right to agree with their employees upon the terms and conditions of their contracts. Said act is therefore unconstitutional and void.

2. Said act is not a valid exercise of the police power, it not appearing that the services and labor to be performed were unlawful or against public policy, or that they were of such character that such limitation and restriction as to the number of hours' labor that should constitute a day's work was necessary to the public welfare.

3. Said act being unconstitutional, in an action brought by a contractor against the city to recover an amount due him for labor performed for said city under a contract containing a stipulation as required by said act, that said contractor should not require or permit any of his employees to labor more than eight hours in any one day and providing as penalty for a violation of such stipulation the forfeiture of \$10 for each employee who should be so required or permitted to work more than eight hours in any one calendar day, where by way of answer, and as and for its only defense, such city relies upon and pleads its right to withhold and retain from such contractor, by way of forfeiture and as penalty for his breach of such stipulation, an amount equal to the amount claimed by said contractor to be due him on said contract, such answer does not state a sufficient defense, and is bad on general demurrer.

4. Where a statute peremptorily requires certain stipulations or agreements to be inserted in a contract, and the same are, by force of such statute and because of its provisions, inserted by the contracting parties in their contract, the obligatory and binding force of such stipulations and agreements so inserted depends upon the validity of the statute requiring their insertion. And where such statute is itself unconstitutional, such stipulations and agreements, although incorporated in the contract, are in law without any obligatory or binding force upon the parties to said contract.

The CHAIRMAN. Do you not want to correct the record? I think you stated that under such a contract the decision meant, of course, that they could not recover. I take it you meant just the opposite—that the law was no bar to recovery.

Mr. DAVENPORT. The required stipulation was invalid.

The CHAIRMAN. And therefore was no bar to a recovery under the contract.

Mr. DAVENPORT. No, sir. We all know that in the advocacy of this bill an attempt is made to distinguish it from other cases by claiming that it is merely a direction from a principal to its officers to insert in all contracts that they may make in its behalf certain requirements which the other party is at liberty to accept or reject at will, and that therefore there is no invasion of those fundamental rights. The idea, I take it, as stated by Mr. Gompers, being that Mr. Gardner's theory

was that you could not directly prohibit this thing, but that you could accomplish that result by inserting these provisions in a contract which the party was at liberty to accept or reject at pleasure. It so happens that that very point was pressed upon the court, and after a careful examination of the cases it is deliberately rejected. In connection with this matter—because it is of vast importance to the proper administration of the government of this nation, vitally affecting the rights of every workingman in this country as well as the rights of every employer—I would ask that this opinion, which is not very long, be inserted in the record at this place in full.

The CHAIRMAN. That is in the Sixty-seventh Ohio?

Mr. DAVENPORT. Yes, sir; the Sixty-seventh Ohio.

The CHAIRMAN. Do we gather from that case what the constitutional provision of the State of Ohio is?

Mr. DAVENPORT. You can readily gather that.

Mr. PAYSON. You read it in terms, Mr. Davenport.

Mr. DAVENPORT. So that we start, gentlemen, with the fact that a most eminent court in this country has declared legislation of this character unconstitutional and void.

Mr. EMERY. Is there any dissenting opinion?

Mr. DAVENPORT. None; it is unanimous. I do not propose to spend very much time discussing the constitutional question further than as I have thrown out these suggestions. I am reminded right now of an experience I had in the Senate Committee on Interstate Commerce where this employers' liability bill was pending. I happened to be present, and I happened to have the One hundredth United States, and Mr. Fuller, representing the railway employees, was insisting upon the passage of that act, and I called the attention of the committee and his attention to the fact that this bill would cover the case of half a dozen Italians in a railroad yard at Bridgeport carrying a rail, where if they stumbled and dropped it and mashed their feet the railroad would have to pay all the bills; and I said that that was manifestly intrastate and that it was beyond the power of Congress, and that it was, under the Trade-Mark cases, in the One hundredth United States, invalid. When I called Mr. Fuller's attention to that he said: "We hear these constitutional objections urged to all such legislation. My friends here always, when there is any bill proposed to benefit the laboring man, come forward with constitutional objections. If this bill is good, the part of it that is good will stand, and the other part that is bad will fall." "But the precise point, Mr. Fuller, is that this bill is bad under that decision." He said that he would take his chances on the constitutionality of it. Now, I suppose that grave gentlemen, selected here to represent the people of this country in the management of the affairs of such a great business institution as the United States Government is, will give heed to constitutional objections that may be urged, as well as others. But I pass from that to a consideration of other matters.

I read to you the act of 1892. We have this act, and you will notice in this act that it provides that this shall not alter, modify, or repeal the act of 1892, and the first question that arises is, What contracts does this proposed bill cover? Does it cover all contracts which are covered by the act of 1892? I have no doubt that it was the intention of the draftsmen of this bill that it should, or their supposition that it did, cover such contracts; that this bill was sup-

plementary and in addition to the act of 1892; that, for instance, a contract to build a capitol or to build a building for the city of Washington or for the District of Columbia or any Territory would be covered by the terms of the bill. In the discussions that were had here at various times it was so considered. But let me call your attention to what the law officers of the Government have said in regard to it. When this bill now pending before this committee was last before it, which was in 1904, this bill was referred by this committee to the Secretary of the Department of Commerce and Labor for the answering of certain questions, and of course one of the questions that he had to consider was what contracts were included within it. I invite the particular attention of the business men on this committee to this, because you can see into what absolute confusion the business of this Government would be thrown if this bill should be enacted as it stands. [Reading]

It should be stated in this connection that the Solicitor of the Department supplemented the report made in the above letter by a verbal statement to the effect that, according to his interpretation of the last sentence in the bill, the contracts falling within the scope of the law of August 1, 1892, would not be affected in any way by the proposed bill, but would continue to be governed by the provisions of that law.

As I understand the purpose of this legislation, it is to include all the contracts that are covered by the act of 1892, as well as other contracts that may be entered into for the furnishing of certain materials to the Government, and here you have the deliberate opinion of the law officer of the Government that this act as it is drawn will apply only to the classes of contracts that are not covered by the act of 1892. Well, there may be a difference of opinion on that subject. If it does apply, then see what a condition you have placed the contractors with this Government in. All those persons who enter into these contracts for the erection of these public buildings, and doing the public work of the United States, will be subject to the act of 1892 in all its criminal provisions, and in addition to that they will be subject to all the penalties which this act imposes upon them by virtue of the contracts that they make—that must necessarily follow—while other contractors will not be subject to the act of 1892; for, as Mr. Gardner has just said, there is nothing in this act which strictly makes it a misdemeanor or a criminal offense. Now, which horn of the dilemma will this committee adopt? If it concludes that it shall be applicable only to contracts that are not covered by the act of 1892, it should be specifically stated in the bill. On the other hand, if it is intended to cover them, see what a condition you place the contractor in. It is sought by inserting in the contract these stipulations to make each contractor liable. The act of 1892 applies only where he intentionally violates it; but under the proposed bill, whether he intentionally violates it or not, he is responsible for the violation by himself, and there is a penalty of \$5 a day for each man who works more than eight hours in any one calendar day upon such work, if he works five minutes or if he works five hours, and if the contractor has 1,000 men at work or 500 men at work, he is responsible for \$5,000 or for \$2,500; and he is also responsible for the acts of his subcontractor to the extent of the penalties incurred by the subcontractor, all to be withheld by way of penalty from the bill.

The next proposition to which I would invite the attention of the committee is the peculiar position in which this law will place the

contractor. This, in terms, does not apply to the subcontractor. The contractor is required to stipulate that there may be withheld from what is due him this sum of money, whether it is done by himself or by his subcontractor. How is the contractor going to protect himself from the responsibility and from the loss which may be imposed upon him by this bill? Take the instance of a battle ship. The contractor may have, for aught I know, 500 subcontracts, and each of those subcontractors may in turn contract out parts of the work, and you have an indefinite and a very large amount of contracts and subcontracts. Now, the contractor is to be responsible, by the terms of this bill, for every violation of the stipulation by anybody. Manifestly the only way he could protect himself would be by inserting in his contract with each subcontractor that he might in some way withhold from the subcontractor a portion of his pay, or he might take a bond from him. That, apparently, is the only way by which any protection can be obtained by the contractor. Now, you have this situation, that the amount of the penalties is in no wise determined by the amount of the contract price to be paid to the subcontractor. It may be that for a job of \$1,000 the subcontractor might incur penalties which the contractor would be responsible for to the amount of \$5,000; for, mind you, the penalty is \$5 for each man who may work any more than eight hours in any one calendar day on any such work—the work contemplated or involved in the performance of the contract. So the contractor might be obliged to pay a sum very much in excess of the amount that the subcontractor would be entitled to receive under his contract, and the only way by which he could protect himself, of course, would be by a bond. That would be an obligation between two individuals to which the Government was in no sense a party. The subcontractor could sue the contractor to recover the amount of money due him under the contract.

The contractor, on the other hand, might say, "Why, I can not pay you because the proper officer here has withheld my money upon the claim that you have violated this contract." The contractor might bring a suit to recover the amount due to him. It would be no answer to a suit that the officer of the Government had provided that this sum should be withheld; because, unless it was so stipulated in his contract, that would not be according to the terms of his subcontract. On the other hand, he could dispute that there was any such violation, in a suit brought by the contractor against the subcontractor on his bond, and that question would have to be tried and determined, if they were citizens of the same State, in the courts of the State, and the facts found and determined by the verdict of a jury, and they might well find, notwithstanding the finding of the officer of the Government, that the subcontractor had not done what the inspector claimed he had done, and so the judgment would go against the contractor, and he would have to pay that money; and the fact that the Government had withheld the money from him upon the finding of the inspector would not be of any assistance to him. There is nothing in this bill which provides or contemplates or looks out for all those conditions and results which would necessarily follow from the bill as it now stands, and it so happens that this very bill was by this very committee referred to the Department of Commerce and Labor to answer certain questions. Naturally, the first question that you would like to know is, how is it going to affect



the cost of articles to the Government; how is it going to affect the business done by the Government; what is to be the effect upon the manufacturer; what is to be the effect upon any particular line of industry? Those questions were all propounded by this committee to the Department of Commerce and Labor when Mr. Metcalf was the Secretary of that Department, and his answers to them are all embodied in a letter addressed to this committee, and in this connection and as a part of my remarks I would ask to have inserted the answers to those questions, being pages 1 to 6 of the "Report by the Hon. Victor H. Metcalf, Secretary, Department Commerce and Labor, on H. R. 4064 (eight-hour bill), submitted by resolution by the Committee on Labor of the House of Representatives, April 13, 1904." You will see that in every instance the answer is that it is impossible to tell what the effect of the bill will be.

This committee will therefore, if it reports this bill, report it in the face of the fact that the appointed officer of the Government to investigate these matters has reported that its injurious effects are not to be ascertained; and I submit to this committee as business men, as sensible legislators, having in charge the interests of the people of this country, that such legislation as that ought not to be attempted for that reason. It is not because people ask for the enactment of a law that it should be enacted. It is not because some scheme is proposed that it should be at once adopted. No such action should be taken until it can be known what the probable result will be. To make definite the point on that subject I will call your attention to these questions, which are vital. The first question that was propounded to the Secretary of Commerce and Labor was this:

1. What would be the additional cost to the United States of the various materials and articles which it customarily procures by contract, which would be governed by the limitations set out in the said bill?

To that he answered as follows:

It is clearly impossible to give a definite answer to this question. Manufacturers having contracts with the Government have, in answering this question, been practically unanimous in expressing the opinion that there would be an increased cost to the United States should the bill become a law, but just what the increased expense would be has not been definitely shown. On the other hand, it has not been clearly proven whether or not there would be any additional cost in the manufacture of those commodities not affected by the bill. Other influences than that of the hours of daily labor so greatly affect the cost of production that it is impossible at present to ascribe any definite portion of an additional cost to the operation of such a law. No comparative figures are obtainable to show the cost of production and quantity of product per man in establishments engaged in part on Government contracts under an eight-hour day and in part under a longer day upon commercial work, as no such condition now exists. Where definite results have been given by manufacturing establishments such results are presented in tables in the report.

A natural question is what effect it is going to have upon the manufacturing interests affected by the provisions of the bill. The following question was asked:

2. What damage, if any, would be done to the manufacturing interests affected by the provisions of the bill, if enacted?

To that he answered as follows:

This inquiry can not be answered definitely, for the same reasons as are stated in connection with the first inquiry. Although several manufacturers who would not be affected by the bill, should it be enacted, have given testimony that there has been no decrease in product resulting from a decrease in hours of labor, the majority giving testimony upon this point state the reverse.

Here is another very important question for you to consider:

3. Whether manufacturers who have heretofore furnished materials and articles to the Government under contract would continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by the said bill.

His answer was:

This question can only be answered by the contractors themselves, and it is doubtful whether a definite reply could be given by them unless the bill were actually in operation and they were confronted by the conditions resulting therefrom. The majority of those who have expressed opinions, which are tabulated in the report, are confident that they could not continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by the bill.

Then there is a question relating to the shipbuilding industry, which interest, as I understand, is specially represented here before the committee.

The extract from the report referred to by Mr. Davenport is here inserted in the record in full, as follows:

LETTER OF TRANSMITTAL.

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SECRETARY,  
Washington, January 27, 1905.

SIR: In compliance with the request contained in your letter of April 13, 1904, transmitting a copy of H. R. 4064, entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," and also a resolution of your Committee on Labor passed April 7, 1904, requesting the Secretary of Commerce and Labor to investigate and report upon the bill, and to state his conclusions with regard to the questions embodied in the resolution, I beg to submit herewith the results of the investigation which has been conducted under the direct supervision of the Commissioner of Labor.

The report consists of seven chapters, as follows:

- I. Introduction.
- II. Replies of Government contractors to questions of the resolution.
- III. Results under eight-hour work day at Brooklyn Navy-Yard compared with results under ten-hour day at Newport News, Va., in battle-ship construction.
- IV. Actual results of production under reduced hours of work in various manufacturing establishments.
- V. Attitude of labor organizations.
- VI. Laws relating to hours of labor in the United States.
- VII. Changes in hours of labor in the United States.

In pursuing this investigation the Department has been guided by the advice of its Solicitor as to the scope of the bill, a copy of whose opinion is incorporated in the report. From this it will be seen that there were very few industries embraced within the limitations of the bill to which inquiries could be directed.

The resolution requests me to state my conclusions in regard to the questions therein presented. The difficulty of securing specific data for full and satisfactory answers to the questions is clearly shown in the report. Most of the inquiries are in their very nature practically unanswerable in the manner called for by the resolution. Many of the responses which have been made are in the form of personal opinions from parties interested, and the facts which have been secured are not sufficiently conclusive to warrant definite expression on my part. I believe, however, your committee will obtain from the report valuable information, which will be of material assistance in determining the probable effect of the proposed bill upon the industries referred to and upon industries not comprehended in the resolution.

A brief reference is here made to each question.

1. "What would be the additional cost to the United States of the various materials and articles which it customarily procures by contract, which would be governed by the limitations set out in the said bill?" It is clearly impossible to give a definite answer to this question. Manufacturers having contracts with the Government have, in answering this question, been practically unanimous in expressing the opinion that there would be an increased cost to the United States should the bill become a law,

but just what the increased expense would be has not been definitely shown. On the other hand, it has not been clearly proven whether or not there would be any additional cost in the manufacture of those commodities not affected by the bill. Other influences than that of the hours of daily labor so greatly affect the cost of production that it is impossible at present to ascribe any definite portion of an additional cost to the operation of such a law. No comparative figures are obtainable to show the cost of production and quantity of product per man in establishments engaged in part on Government contracts under an eight-hour day and in part under a longer day upon commercial work, as no such condition now exists. Where definite results have been given by manufacturing establishments such results are presented in tables in the report.

2. "What damage, if any, would be done to the manufacturing interests affected by the provisions of the bill, if enacted?" This inquiry can not be answered definitely for the same reasons as are stated in connection with the first inquiry. Although several manufacturers who would not be affected by the bill, should it be enacted, have given testimony that there has been no decrease in product resulting from a decrease in hours of labor, the majority giving testimony upon this point state the reverse.

3. "Whether manufactures who have heretofore furnished materials and articles to the Government under contract would continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by the said bill?" This question can only be answered by the contractors themselves, and it is doubtful whether a definite reply could be given by them unless the bill were actually in operation and they were confronted by the conditions resulting therefrom. The majority of those who have expressed opinions, which are tabulated in the report, are confident that they could not continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by the bill.

4. "What would be the effect of the enactment of said bill upon the shipbuilding industry?" This inquiry offers the same difficulties when a reply is sought. According to the opinion of the Solicitor this industry would probably be the principal one affected by the bill, and it is impossible to forecast the effects of its enactment upon such establishment in this industry as are under contract with the United States Government or upon those establishments which are not under contract.

5. "What would be the effect of the enactment of said bill, if any, upon the export trade of the country?" This inquiry is likewise not susceptible of definite reply. The influences which affect the export trade are so far-reaching and so numerous that it would be impossible even after the most extended investigation to determine the weight which could be assigned to any one of these influences. The condition of foreign markets, as well as variations in cost of production, affects the export trade to a greater or less extent from time to time, and there are very many other influences which could be cited to show how the export trade is affected without reference to the hours of labor in this country. All of these things are too problematical to admit of any definite data applicable to an answer.

6. "Are the laborers of the country, organized and unorganized, who would be affected by the proposed legislation, willing to have taken away from them the right to labor more than eight hours per day, if they desire to do so?" This question has already been answered by the representatives of organized labor who have appeared before the committee from time to time. As regards the desire of unorganized labor in the matter, it is doubtful whether the individual wage-workers of the country would be able to make reply to the inquiry unless they could be more definitely informed as to the respects in which they would be affected by the proposed legislation. Attempts were made to secure definite information as to the attitude of working people on the sixth question of your resolution. The results are contained in Chapter V.

7. "What effect will the proposed legislation have, if any, upon the agricultural interests of the country?" The same difficulties are met within this question as with the preceding questions when a definite reply is attempted. It is apparent that the effect would be indirect in nature, but the extent to which these interests would be improved or damaged, or whether they would be affected at all, can not be stated. The agricultural interests of the country depend upon so many conditions—foreign markets, short crops in foreign countries, famine, weather, etc., etc., that the peculiarities involved preclude answering this question.

I assure you that every effort has been made to secure definite and conclusive data, but the very nature of the questions has prevented such results.

Respectfully,

V. H. METCALF, *Secretary.*

HON. J. J. GARDNER,

*Chairman Committee on Labor, House of Representatives.*

Now, I want to submit to the committee another suggestion, and that is that it is utterly impossible for any person to tell, be he Government officer, be he contractor, be he legislator or not, what things are covered by this bill. Of course some of the members of this committee have been familiar for years with the discussions that have taken place upon the provisions of the Gardner bill, and the attempt of this bill is to except all but a few industries from its operation, it being overwhelmingly established that all those other interests would be disastrously affected, and that the Government of the United States would practically come to a standstill if they were included in this bill, because the whole business of this country would have to be readjusted upon an eight-hour basis before the Government could go into the market and buy the things necessary for the use of its innumerable departments. But in the very attempt to except those particular industries, confusion worse confounded is introduced into this bill. I remember very well—and it is interesting to recur to the record on these things—the colloquy that occurred here between Mr. Gardner and others upon this, and in those days Mr. Gardner was not in favor of inserting in the bill what he has now inserted in it; and he sought light, and strange to say he sought light upon it not from the advocates of the bill but from the opponents of it. I am not able at this moment to turn to the question which he propounded, and I will proceed with the bill. What is covered by this exception in the bill?

That nothing in this act shall apply to contracts \* \* \* for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not.

What is "open market?" What is intended to be covered by that class of articles? Materials such as can be bought in open market, and articles which may be bought in the open market "whether made to conform to particular specifications or not."

Mr. VREELAND. Are you reading from the present bill?

Mr. DAVENPORT. The present bill; yes, sir. This was inserted in the bill, this proposed legislation, by the action of the Senate committee. The present bill is the bill recommended to be passed by the Committee on Education and Labor in the Senate. It was the bill that was before this committee in 1904. In 1906 the old Gardner bill was before this committee, in view of the difficulties that had been injected into the matter, in view of the changes that had been introduced in the bill in the Senate. But I ask any man of business sense and judgment what is covered here. Remember, now, you are laying down a rule for the Executive Departments of this Government and the officers of this Government to follow. How can they keep house under such a bill as this, with this vague language, "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not?" What are supplies? The ordinary definition of "supplies" is anything that fills a want—a habitual want, perhaps, of the Government; the necessities of the Government. And there is no limitation possible under the language of this bill or from anything in the context of the bill. It would apparently be broad enough to nullify the first provisions of the act. Of course the courts would not so construe it if they could help it. They would say, of course, that if possible the first and second sections must be construed so as to stand together. But what should it cover? Now the obliga-

tion is, in the first place, upon the officer of the Government to determine that matter, whether the contract he is about to make is within the purview of this act. The next thing is for the contractor to determine whether or not he can afford to take the risk which is involved in the mistaken interpretation of this act by the officer of the Government. So it would appear to a man of common sense, however much he might desire to promote the objects sought to be obtained by the passage of this bill, that it is unwise to enact such a law; and I take my stand here and I appeal to the members of this committee in determining this question to act upon it as business men and as officers of the Government responsible to the people for the proper exercise of their governmental duties, in directing a matter of so great importance as this. And what is meant by this clause in section 2, line 15:

No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition.

What meaning can the committee give to such language? What meaning can the officer of the Government give to it?

Mr. VREELAND. Such an extraordinary event would be a war or earthquake.

Mr. DAVENPORT. That would certainly be an extraordinary event, but there is a provision as to war, a special provision. It says:

The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act during time of war, or a time when war is imminent.

The proper officer may waive it in that case. But here is an absolute provision. It says:

No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition.

My own interpretation of that is that anything unusual, anything out of the ordinary, would be a cause for the exemption of the party from any penalty. But what may they do? How is anybody ever going to tell anything about it? You must remember you are laying down a chart for the officers of this Government to act upon, to be their guide. They are your servants, and to impose upon them the difficulties and obscurities that are involved in this act is something that ought not to be done.

Gentlemen, I want to talk a little now about the principle involved in this bill. What is the object of it? The object of it is hardly disguised. It is to take away from the people of this country, both the working people and the employers, the liberty of contract which they have always enjoyed. It is a direct blow at that liberty, or, as the Supreme Court says, at their right of property.

The workman has got his labor to sell. The Supreme Court says it is his stock in trade; it is his capital. He ought to be free to work more than eight hours a day if he sees fit. This bill applies to all kinds of work, whether it is deleterious or not. Why, I say, and I say it deliberately, that if the working people of this country understood what is involved in this bill, that it strikes down their right to work more than eight hours a day for overtime pay if they see fit, they would rise up against it. If you ever have, or ever have had,

occasion to examine the constitutions and rules of all the labor unions in this country, you will know that with a single exception, which I do not now recall, every one of them provides that their men may work overtime, and provides for the compensation they are to receive. If this bill becomes a law none of those persons working for any of the establishments having contracts for this work could avail themselves of their right; and is it so that a man is to be stricken down and deprived of the very capital, and the only capital, which he has, by the whim of some legislator at the demand of somebody who professes to act, as he claims, in behalf of those very people? I respectfully repudiate any such thing as that. I say you can go out among the working people and talk with them and ask them if they are in favor of a bill which will take away from them the right to work more than eight hours a day if they choose to, at a greater pay for the extra time, and they will always tell you "No, and any legislator who votes for such a bill is not voting in our interest."

But the people who claim to be the accredited representatives of what is called organized labor come here and advocate this bill. I really think, in my own mind, that they do not understand the practical effect of this bill, and that it strikes a blow at the dearest right of the workingman, whether he belongs to a union or not.

Mr. HASKINS. There is another object in this bill that you have not touched upon.

Mr. DAVENPORT. What is that?

Mr. HASKINS. The object is to create a larger day's labor.

Mr. DAVENPORT. Now, they will not stand one minute on that. You ask them whether they are in favor of this bill or in favor of that, and they say that it is not going to increase the cost to the Government, because the labor is going to be more efficient; if you cut a man down to eight hours he will do as much work as he will in ten hours. When the present act of 1892, or a similar bill, was pending before Congress in 1890, what was the argument then addressed to the House of Representatives by that eloquent man, Mr. McKinley? It is to be found in the report of Mr. McComas on the eight-hour law, December 20, 1902. He is quoting from Mr. McKinley. This is found in a Senate document, Calendar No. 2297, Fifty-seventh Congress, second session, report No. 2321. This is what Mr. McKinley said:

Now, Mr. Speaker, it must be remembered that when we constitute eight hours a day's work, instead of ten hours, every four days gives an additional day's work to some workingman who may not have any employment at all.

It is one more day's work, one more day's wages, one more opportunity for work and wages, an increased demand for labor. I am in favor of this bill as it is amended by the motion of the gentleman from Maryland [Mr. McComas].

But if you will examine the reports here of hearings of previous Congresses, you will find that that great representative of the horny-handed sons of toil, Mr. Gompers, has always claimed that the shorter you make the hours the more efficient is the work, and that the same man is going to do more work in eight hours than in ten hours; but as I say, and as Mr. Haskins suggests, the plea that is put forth to the workingman to induce them to favor legislation of this kind is that there will be more days' work and more pay, more wages to the workingman. I plant myself, as representing the organization that I do, upon the principle that this bill is a direct attack upon the rights, the constitutional rights, of every workingman in this country, of every



employee in this country. It is a conceded and confessed attempt by indirection to do that which would be confessedly unconstitutional if attempted directly; and I can not understand how any representative of either party in the House of Representatives can take the position that an attack upon the individual right of the workingman, which cuts down his liberty to work overtime, is a measure to be supported.

Mr. Davenport having concluded his remarks, the committee adjourned until to-morrow, Wednesday, February 19, 1908, at 2 o'clock p. m.

(The opinion in the case of *The City of Cleveland v. The Clements Brothers Construction Company* (67th Ohio State Reports), referred to by Mr. Davenport is as follows:)

CREW, J.

In this case the City of Cleveland, defendant in the court below, for answer to the claim made against it by plaintiff below, The Clements Brothers Construction Company, pleaded by way of justification, and as its only defense, the provisions of an act of the Ohio legislature, passed April 16, 1900, and entitled "An act to provide for limiting the hours of daily service of laborers, workmen, and mechanics employed upon public works, or of work done for the State of Ohio, or any political subdivision thereof; providing for the insertion of certain stipulations in contracts of public works; imposing penalties for violations of the provisions of this act, and providing for the enforcement thereof." The sufficiency of this answer, as a defense, was challenged by a demurrer filed thereto by plaintiff. Whether such answer was and is sufficient, and the matter so pleaded defensive, depends entirely upon whether said act of April 16, 1900, is a valid and constitutional enactment. The provisions of this law are as follows:

"SECTION 1. The service of all laborers, workmen, and mechanics employed upon any public works of, or work done for, the State of Ohio, or for any political subdivision thereof, whether said work is done by contract or otherwise, shall be, and is hereby, limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the State, or of any political division thereof, or any person acting for or on behalf thereof, or any contractor or subcontractor for any part of any public works of, or work done for, such State, or political subdivision thereof, or any person, corporation, or association whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, and except to work upon public, military, or naval works or defenses in time of war, and except in cases of employment of labor in agricultural pursuits.

"SEC. 2. Each and every contract to which the State of Ohio, or any political subdivision thereof, is a party, and every contract made for or on behalf of the said State, or any subdivision thereof, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor, or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day, except in cases of extraordinary emergency, caused by fire, flood, or danger to life or property, and except to work upon public, military or naval work, or defenses in time of war, and except in cases of employment of labor in agricultural pursuits, and each and every (such) contract shall stipulate a penalty for such violation of the stipulation directed by this act, of ten dollars per each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours, and the inspector or officer or person whose duty it shall be to see that the provisions of any such contract are complied with shall report to the proper officer of such State, or political subdivision thereof, all violations of the stipulation in this act provided for in each and every subcontract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which such penalties were imposed by contractor, his agents or employees, or any subcontractor, his agents or employees, no person on behalf of the State of Ohio, or any political subdivision thereof shall rebate or permit any penalty imposed under such (any) stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was

imposed by reason of an error of fact. Nothing in this act shall be construed to authorize the collection of said penalty from the State, or any political subdivision thereof.

"SEC. 3. Any officer of the State of Ohio, or any political subdivision thereof, or any person acting for or on behalf thereof, who shall violate the provision of this act shall be deemed guilty of a misdemeanor, and shall be subject to a fine or imprisonment or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment more than one year.

"SEC. 4. All acts and parts of acts inconsistent with this act, in so far as they are inconsistent, are hereby repealed.

"SEC. 5. This act shall take effect and be in force from and after its passage."

The court of common pleas held this law to be constitutional, and held that the answer of defendant, the city of Cleveland, constituted a good defense to the plaintiff's cause of action, and overruled the plaintiff's demurrer thereto and gave judgment for said city of Cleveland. This ruling and judgment of the court of common pleas was reversed by the circuit court of Cuyahoga County, on the sole ground that the court of common pleas erred in overruling the demurrer of plaintiff to said answer. And said circuit court proceeding to render the judgment that the court of common pleas should have rendered, held said law to be unconstitutional and sustained said demurrer to said answer. And said defendant not desiring to plead further, said circuit court rendered judgment in favor of plaintiff, The Clements Brothers' Construction Company, and against said city of Cleveland for the full amount claimed by plaintiff. If the law under consideration is constitutional, then this judgment of the circuit court is erroneous and should, in this proceeding, be reversed; but if, as found by the circuit court, such law is unconstitutional, then the judgment of said circuit court was right and should be affirmed. Whether such law is constitutional is the sole question presented by the record in this case.

While the particular statute here in question has not, prior to this time, been before this court for review, nor has the precise question here presented heretofore been decided by this court, yet we are not without pertinent authority and direct adjudication by the courts of last resort in other States, upon the question here involved, and this court has more than once been called upon to consider and determine the constitutionality of statutes which were somewhat analogous to the statute under consideration, in that they had for their purpose, or did in effect, limit and restrict the right of contract between employer and employee; and in every instance such statutes have been declared and held by this court to be unconstitutional.

Counsel for plaintiff in error in this case apparently do not question the correctness of these decisions, and in argument they concede that it is beyond the power of the legislature to control by legislative enactment the contracts which shall be made between employer and employee when those persons are individuals or corporate persons and the subject-matter of their contracts is not necessary to be regulated for police reasons. And such clearly is the established law of this and other States. But they contend that the statute here in question is not an attempt by the legislature of Ohio to restrict or interfere with the right of liberty to contract, but is only in the nature of a direction by a principal to his agent, and therefore within the legislative authority, and matter of concern to the principal and agent only. They argue that the several municipal governments of the State are not in themselves independent and sovereign, but are subdivisions of the General Government, created by it with enumerated powers, and with no powers except such as may be fairly drawn from their charters or creation. Hence, they contend that being mere subdivisions of the State, and deriving their powers from the State, such municipalities may be lawfully directed by the legislative will as to what contracts they may make and what provisions and stipulations their contracts shall contain; and that in the contract here in question, the city of Cleveland being a mere agency and instrument of the State, the State had the right by and through its legislature, to direct and require the city, as its agent and representative, to insert in this contract the stipulations and provisions therein found. The fallacy of this contention lies in the assumption that the compulsory authority of the legislature over municipal corporations is so absolute and arbitrary that it may dictate the specific terms upon which such municipality shall contract, and may prescribe what stipulations and conditions its contracts shall contain, although such contracts may, as in this case, relate only to matters of purely local improvement. This is a misapprehension of the legislative authority, for no such right or power has been delegated to, or is possessed by, the general assembly.

As said in 4 Hill (N. Y.), 114: "Under our system of Government the legislature is not supreme. It is only one of the organs of that absolute sovereignty which resides in the whole body of the people. Like other departments of the Government, it can only exercise such powers as have been delegated to it, and when it steps beyond that boundary its acts, like those of the most humble magistrate in the State who transcends his jurisdiction, are utterly void. Therefore, as the security of life, liberty, and

property lay at the foundation of the social compact, to say that the grant of legislative power includes the right to attack private property would be equivalent to saying that the people had delegated to their servants the power of defeating one of the great ends for which government was established, this end being the protection of the absolute right to life, liberty, and property."

Again, counsel for plaintiff in error are mistaken in the assumption that the statute here under consideration is and should be regarded as a mere direction by the sovereign authority, the State of Ohio, to one of its agents, the city of Cleveland, that contracts made by said city in certain cases and for a certain character of work are to be made in a particular way. In the case of *People ex rel. Rogers v. Coler* (166 N. Y., 1), a statute distinguishable in no essential feature from the statute here under consideration was before the court of appeals of that State for review, its constitutionality having been challenged. O'Brien, judge in that case, in discussing the proposition we are now considering, speaking for the majority of the court, says: "Nor is it entirely true that the statute is a mere direction by the sovereign authority to one of its own agencies to contract in certain cases in a particular way. It is all that, no doubt, and very much more, since it affects personal and municipal rights in many directions that are of vastly more importance than the mere form of a contract to perform municipal work. It is true enough that a city is an agency of the State to discharge some of the functions of government, but these terms do not adequately describe its true relation to the State or the people. A municipal officer directing a local improvement is not the agent of the State. He is the agent of the city, and the city alone is responsible for his negligence or misconduct. If the authorities in charge of the streets of a city are agents of the State, the city ought not to be held liable for their acts or omissions."

\* \* \* The city is a corporation possessing all the powers of corporations generally and can not be deprived of its property without its consent or due process of law any more than a private corporation can, and since its revenues must be used for municipal purposes, it is difficult to see how the legislature can make contracts for it which involve the expenditure of these revenues without its consent." And further in the same opinion it is said: "The right which is conceded to every private individual and every private corporation in the State to make their own contracts and their own bargains is (by this statute) denied to cities and to contractors for city work; and, moreover, if the latter attempt to assert such right, the money earned on the contract is declared forfeited to the city without the intervention of any legal process or judicial decree."

\* \* \* The contractor is a private individual engaged in private business. When he enters into a fair and honest contract for some municipal improvement, that contract is property entitled to the same protection as any other property. It is not competent for the legislature to deprive him of the benefit of this contract by imposing burdensome conditions with respect to the means of performance, or to regulate the rate of wages which he shall pay to his workmen or to withhold the contract price when such conditions are not complied with in the judgment of the city. When he is not left free to select his own workmen upon such terms as he and they can fairly agree upon he is deprived of that liberty of action and right to accumulate property embraced within the guaranties of the Constitution, since his right to the free use of all his faculties in the pursuit of an honest vocation is so far abridged. \* \* \* The exercise of such a power is inconsistent with the principles of civil liberty, the preservation and enforcement of which was the main purpose in view when the Constitution was enacted. If the legislature has power to deprive cities and their contractors of the right to agree with their workmen upon rates of compensation (or the number of hours that shall constitute a day's labor), why has it not the same power with respect to all private persons and private corporations? That question can be answered in the language which this court used when a case with features somewhat similar was under consideration. 'Such legislation may invade one class of rights to-day and another to-morrow, and if it can be sanctioned under the Constitution while far removed, in time we will not be far away in practical statemanship from those ages when governmental prefects supervised the building of houses, the rearing of cattle, the sowing of seed, and the reaping of grain, and governmental ordinances regulated the movements and labor of artisans, the rate of wages, the price of food, the diet and clothing of the people, and a large range of other affairs long since in all civilized lands regarded as outside of governmental functions.' " As suggested by counsel for defendants in error, the statute here under consideration absolutely ignores the fact that municipal corporations in their property rights and their power to make contracts for local improvements for the benefit of their own citizens are entitled to the same immunities and are protected by the same constitutional guaranties which shield the property of individuals or private corporations from legislative aggression. In considering the rights and powers of municipal corporations in the case of *Railroad Co. v. New Orleans* (26 La. An., 481), the supreme court of Louisiana says: "A municipal corporation

possesses two classes of powers and two classes of rights, public and private. In all that relates to one class it is merely the agent of the State and subject to its control. In the other it is the agent of the inhabitants of the place, the corporators, maintains the character and relations of individuals, and is not subject to the absolute control of the legislature, its creator."

In the case of *Atkins v. Town of Randolph* (31 Vt., 237), Judge Barrett, announcing the opinion of the supreme court of Vermont, states the proposition as follows: "It is true, as was urged in argument by the learned counsel for plaintiffs, that in some respects legislatures have power in respect to municipal corporations that they have not in respect to private corporations or individuals. They may alter or abolish municipal corporations at pleasure, but yet not so as to defeat the pecuniary rights of individuals as against such corporations or as depending upon their existence. The legislature has the same power in respect to private corporations when that power is reserved in the law creating them. So far as a municipal corporation is endowed by law with the power of contracting, and as such is made capable of acquiring, holding, and disposing of property and subject to the liabilities incident to the exercise of such power and capacity, thus being vested with legal rights as to property in contracts and improvements and subject to legal liabilities in respect thereof, to be ascertained and enforced by suit in the ordinary judicial forums with the same principles and by the same means as in the case of a private corporation, such municipal corporation must stand on the same ground of exemptions from legislative control and interference as a private corporation.

"As to third persons who seek to enforce pecuniary liabilities against towns arising upon contract, such towns are merely private corporations or individuals, and in this respect they are not affected by the purely municipal public and political features that appertain to their corporate existence in virtue, and in reference to which alone they are subject to the absolute control of legislation."

And to the same effect is the case of the *Board of Park Commrs. v. Common Council of Detroit*. (28 Mich., 228.)

This distinction as to the powers delegated to municipal corporations was clearly recognized and commented upon by this court in the case of *Western College v. Cleveland*. (12 Ohio St., 375.) In that case Judge Gholson, announcing the opinion of the court, at page 377, says: "It is the duty of the State government to secure to the citizens of the State the peaceful enjoyment of their property and its protection from wrongful and violent acts. For the proper discharge of this duty power is delegated in different modes. One of these is the establishment of municipal corporations. Powers and privileges are also conferred upon municipal corporations, to be exercised for the benefit of the individuals of whom such corporations are composed; and in connection with these powers and privileges duties are sometimes specifically imposed. It is obvious that there is a distinction between those powers delegated to municipal corporations to preserve the peace and protect persons and property, whether to be exercised by legislation or the appointment of proper officers, and those powers and privileges which are to be exercised for the improvement of the territory comprised within the limits of the corporation and its adaptation to the purposes of residence or business. As to the first, the municipal corporation represents the State, discharging duties incumbent on the State; as to the second, the municipal corporation represents the pecuniary and proprietary interests of individuals. As to the first, responsibility for acts done or omitted is governed by the same rule of responsibility which applied to like delegations of power; as to the second, the rules which govern the responsibility of individuals are properly applicable." See also *Cincinnati v. Cameron* (33 Ohio St., 366).

The liberal quotations, in this opinion, from the authorities above cited need no further apology upon our part than to say that if the principles there announced and the conclusions there reached are correct, and we believe they are and adopt them, they conclusively refute and answer the contention of plaintiff in error that the statute under consideration in this case does not restrict the right of liberty to contract and is in the nature only of a direction by a principal to its agent.

Again, stripped of its provisions, except so far as they relate to contractors and subcontractors, the first section of the statute under consideration reads as follows: "It shall be unlawful for any contractor or subcontractor for any part of the public works of, or work done for such State, or political subdivision thereof, or any person, corporation, or association whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day."

Thus it is apparent that this statute, which is peremptory in terms, is more than a mere direction by a principal to an agent, and that its provisions apply not only to

officers and agents of the State of Ohio, but that they apply with equal force to all persons who would enter into contracts with the State or any of its political subdivisions, and undertakes to limit and restrict such persons in their right to contract by prohibiting the making of contracts for day's work of more than eight hours. What the terms and stipulations of a contract shall be is matter to be determined by the contracting parties, and the right has not been delegated to, nor is it within the power of the general assembly, by mandatory laws to prescribe the terms and provisions that shall be inserted in contracts that may be made between persons legally competent to contract. Doubtless the legislature might, in the absence of contract between the parties, prescribe the number of hours' labor that should constitute a day's work, but it is not in the power of the legislature, by the enactment of a positive law, to abridge the right of parties to fix by contract the number of hours that shall constitute a day's work, nor to deny effect to the stipulations and agreements of the parties themselves touching such matter, except only as the exercise of such power may be authorized for the common welfare; and the right to so exercise this power of restraint extends only to matters affecting the public welfare or the health, safety, and morals of the community. The number of hours' labor that shall be performed in a day is an important factor and constitutes an essential part of every contract of service, and to deny effect to the stipulations or agreements between employer and employee touching the number of hours the employee shall labor each day is in effect either to impair the obligation of their contract or to deny to them the right to stipulate or contract touching that matter. The latter is the right denied by the statute here in question.

It is, we take it, axiomatic, that in service contracts the right to contract necessarily includes the right to fix by agreement the number of hours that shall constitute a day's work for the person employed, but by the terms and provisions of this statute the parties are not left free to negotiate respecting this matter between themselves, but the number of hours which shall constitute a legal day's work for the laborer employed on work done for the municipality is, by this statute, arbitrarily fixed and determined; and the statute further provides just what stipulations in this respect shall by the contracting parties be incorporated in their contract, and enacts that noncompliance with the provisions of said statute shall be deemed a misdemeanor, punishable by fine or imprisonment, or both, at the discretion of the court. The privilege of making and entering into contracts is more than a mere license or liberty. It is a property right. It is an essential incident to the acquisition and protection of property, and is such right as the legislature may not arbitrarily and without sufficient cause either abridge or take away.

In the case of *Palmer & Crawford v. Tingle*, decided by this court and reported in Fifty-fifth Ohio Statutes, page 423, the second clause of the syllabus is as follows: "Liberty to acquire property by contract can be restrained by the general assembly only so far as such restraint is for the common welfare and equal protection and benefit of the people, and such restraining statute must be of such a character that a court may see that it is for such general welfare, protection, and benefit. The judgment of the general assembly in such cases is not conclusive."

There is one other claim of counsel for plaintiff in error upon which they seem to place some reliance that should perhaps be briefly noticed, and that is as to the matter of estoppel on the part of defendant in error. Counsel for plaintiff in error say in their brief: "It is plain that the municipality itself can not complain, for, as has been shown above, it is merely an agency of a higher power, to wit, the State, and can only contract as it is authorized by that power to do; nor can the contractor be heard to complain, for the city, in pursuance of its granted powers and under restrictions imposed by the act in question, in effect said to him and all others, when it invited bids for the performance of the work, 'The statute is one of the conditions which must be complied with and an obligation which must be assumed by the contracting party.'

"The contracting party (The Clements Brothers Construction Company) was not compelled to bid; it did so voluntarily, with full knowledge, and when awarded the contract executed it voluntarily, knowing all of its provisions, and assumed the obligations and conditions imposed by the statute."

It would, perhaps, be a sufficient answer to this claim of plaintiff in error to say that the stipulation referred to became a part of the contract not because of any voluntary agreement between the parties that it should be inserted therein, but because the statute forcibly injected it. And that such is the fact we think sufficiently appears from the language of the contract which immediately follows such stipulation. That language is: "The foregoing stipulation is made by reason of and to conform to the requirements of an act of the general assembly of the State of Ohio, 'to provide for limiting the hours of daily service of the laborers, workmen, and mechanics employed upon public works, or of work done for the State of Ohio or for any political

subdivision thereof, providing for the insertion of certain stipulations to any contracts of public works,' etc., passed April 16, 1900, to the extent that the provisions of said act are applicable in the performance of this contract."

But further upon this proposition, as especially pertinent, we quote again from the opinion of Justice O'Brien in the case of *People ex rel. Rogers*, above cited. He says: "The fact that certain provisions of the labor law were actually incorporated into the contract signed by the contractor can not change or add anything to the strength of the position assumed by the city. The relator is not estopped by the agreement when there is no element of estoppel in the case, and the question is with respect to the validity of the statute, and not the construction or effect of the contract in that regard. If the law is valid, it governs the contract and the rights of the parties, whether actually incorporated into writing or not, since all contracts are assumed to be made with a view to existing laws on the subject. If it is not valid, the contractor has not made it so by stipulating in writing to obey it and prescribing the penalty for his own disobedience, which is the forfeiture of all rights under the agreement. It is not in the power of the legislature to protect an invalid law from judicial scrutiny by providing that it must receive the assent of the parties to every contract to which it relates. \* \* \* Courts in such cases are not bound by mere forms, but must look at the substance of things, and so viewing this transaction, it would be idle to attempt to deceive ourselves with the idea that the question involved in this appeal arises out of the stipulations of the parties to the contract, or is governed by them, rather than the provisions of a statute. The contract is in the form that we find it, not because the parties so elected to contract, but for the reason that the statute would not permit them to contract in any other way."

As to the further claim of plaintiff in error that "Even if the provisions of the statute were not actually inserted therein, they would be read into the contract as a part of the law of the State," for answer we need only refer to the third paragraph of the syllabus of *Palmer and Crawford v. Tingle* (55 Ohio St., 433), which syllabus is as follows: "While a valid statute regulating contracts is, by its own force, read into, and made a part of such contracts, it is otherwise as to invalid statutes."

As bearing more or less directly upon the questions herein considered, in addition to the authorities above cited, the following cases will be found instructive: *State v. Loomis*, 115 Mo., 307; *Godcharles v. Wigeman*, 113 Pa. St., 431; *Ex Parte Kuback*, 85 Cal., 274; *State v. Goodwill*, 33 W. Va., 179; *Commonwealth v. Perry*, 155 Mass., 117; *Low v. Rees Printing Co.*, 41 Nebr., 127; *People v. Gillson*, 109 N. Y., 389; *In re House bill No. 203*, 21 Colo., 27; *Ib.*, 21 Colo., 29; *State of Ohio v. Lake Erie Iron Co.*, reported in *Thirty-third Law Bulletin*, page 6, and affirmed by this court (51 Ohio St., 632); *Marsh et al. v. Poston & Co.*, reported in *Thirty-fifth Law Bulletin*, page 327, affirmed by this court in *Fifty-fourth Ohio Statutes*, 681. *The Wheeling Bridge and Terminal Co. v. Gilmore*, 4 Circ. Dec., 366; 8 C. C. R., 658. Our conclusion in this case is, that the statute relied upon and pleaded by plaintiff in error, as a defense to the claim of defendant in error, is unconstitutional, because in conflict with sections 1 and 19 of the bill of rights. And therefore such statute cannot avail the city as a defense to shield it from liability to defendant in error for the amount due said defendant in error under its contract. The circuit court was right in sustaining the demurrer to the answer and in rendering judgment against the city, and that judgment is therefore affirmed.

Burket, C. J., Spear, Davis, Shauck, and Price, JJ., concur.

The provisions of section 1 and section 19 of Article I of the constitution of Ohio of 1851, referred to in *Cleveland v. Construction Company*, are as follows:

Sec. 1. All men are, by nature, free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and seeking and obtaining happiness and safety.

Sec. 19. Private property shall be held inviolate, but observed to the public welfare. When taken in time of war or other public exigency, imperatively requiring its immediate seizure, or for the purpose of making or repairing roads, which shall be open to the public without charge, a compensation shall be made to the owner, in money, and in all other cases, where private property shall be taken for public use, a compensation therefor shall first be made in money, or first secured by a deposit of money; and such compensation shall be assessed by a jury without deduction for benefits to any property of the owner.

WEDNESDAY, *February 19, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. JAMES A. EMERY.**

Mr. EMERY. Mr. Chairman, I represent the National Association of Manufacturers, and some few hundred local organizations and State organizations of manufacturers and business men, which list I will supply to the clerk of the committee. I did not desire to intrude upon the indulgence of the committee at this time with such suggestions as I desire personally to make as representing these interests upon the proposed bill. I desire to reserve what I have to say at least until to-morrow, on account of some material I am waiting for, but I desire at this time to express to the committee on behalf of a large number of the largest manufacturing interests in the country their desire to submit evidence to this committee during the course of these hearings with respect to the practical effect upon their individual businesses of the proposed stipulations in the contract offered under this proposed bill. I desire to submit remarks upon the intent and purpose of the proposed bill and upon the means by which you endeavor to carry out that intent. In the course of the evidence that I desire to offer to this committee, I wish to endeavor to impress upon the committee, with your kindness, as forcibly as I can, the practical effect upon the business men who contract with the Government of such stipulations as are required by this bill, not only with the stipulations read in the sense in which we can ordinarily accept them without debate over the technical meaning of some of the phrases, but taking a common-sense understanding of them, drawn from the experience of gentlemen who have had Government contracts during a long period of years. We wish to offer to the committee the practical difficulties that appear to a business man in endeavoring to comply with the requirements of such a statute if it became a law, who would be compelled to do so in order to do business with the Government, and I think we can show to you that it is the consensus of opinion upon the part of by far the largest number of business men who deal with the Government in a contractual way, that it will be practically impossible for these men to do so under the conditions fixed by the proposed bill. In accordance with a desire to offer that line of testimony, Mr. Chairman, if you will permit me, I should like first of all to present to you a resident of the District of Columbia, Mr. Richardson, of the Building Trade Employers' Association of the District of Columbia, a very large contractor who has had an experience of over fifteen years in Government contract work, and he can present to you those special difficulties that are apprehended by the builder in his relations with the Government under this proposed bill.

**STATEMENT OF MR. JOSEPH RICHARDSON, OF WASHINGTON, D. C.**

Mr. RICHARDSON. Mr. Chairman, I might say that in our experience with Government contracts, principally in the post-office line, that were this bill to go into effect, it would prevent us from entering into competition at the present time; it would be impossible for us to

enter into a contract for a Government building under the present conditions, or until such time as this law, if it went into effect, had affected the particular branches of the building business, the parts that go to make up the building, such as stone, steel, wood, and so forth. I know of no quarries or steel companies at the present time, or mills, that could comply with a law of this kind. It might, in time, bring them all into position where they could comply with it, but at the present time it would be utterly impossible, and it would be suicidal for a contractor who did not control every branch of the component parts of the building that he might be going to erect, to enter into a contract with the Government if this law was in effect, because he could not get subcontractors who could comply with the law, and as we understand the law, it applies not only to the contractor, but the subcontractor and his subcontractor, and so on down the line. So that we would be tied to contractors for material who could not comply with the conditions of this proposed bill.

It would have the effect, in my opinion, of sending Government contracts, at least in the building line, begging.

The CHAIRMAN. How would this bill affect you differently from existing law, the law of 1892, in your opinion?

Mr. RICHARDSON. The existing law applies to the building that you are actually working on and to the building itself, whereas, as I understand the present law, or the proposed law, it applies to the material man, who takes the contract to furnish material for that building, such as the granite man or the marble man or the man who furnishes the electrical apparatus or the steel man or the man who furnishes the woodwork, or any man who furnishes anything that goes into that building, the different parts of it. I understand the bill applies to each and every one of those subcontractors, and I know of none with whom we have been dealing in the last fifteen years who could comply with the law, and if they did take a contract where this law was in force, it would simply push them out of the market on everything else, because they would be out of competition, because in all of those branches the hours are greater than provided for in the bill; and the mechanic invariably works overtime, gets extra pay for it, and in a great many cases it is necessary—almost necessary—for them to work overtime in order to make their ends meet. The wages, I should say, in 50 per cent of the branches that go to make up a building are such that it is necessary for the man to take every opportunity that he can get, and he does take it, to make extra time; and I presume if his hours were cut down, it would naturally bring down his wages along with them. So that as I understand the bill, it would be practically impossible for a general contractor now, particularly in the building line, to enter into a contract with the Government to furnish or complete a building under the conditions of the proposed law.

Mr. RAINEY. Because he could not get labor; is that the reason? He could not find men who would be willing to work for eight hours a day?

Mr. RICHARDSON. No, not particularly that; he would find a great many men who would prefer not to accept the eight-hour condition.

Mr. RAINEY. Would not all subcontractors bid with reference to the condition you now mention, to wit, that they would be expected to keep their men at work only eight hours a day?



Mr. RICHARDSON. No, sir; I think that more than 50 per cent, I would say 75 per cent, of the contractors who furnish material such as I have stated and such as we know goes into a building, would refuse absolutely to compete on such work.

Mr. RAINEY. Why?

Mr. RICHARDSON. Because they can only then bid in such lines, with such people, as confine themselves exclusively to Government work. You take a quarry, for instance, that must work only eight hours, and if they have a Government contract, that means that they must work eight hours, not only on the Government contract, but on anything else they may have. That drives them out of the competition with the quarry alongside of them which is working nine hours, or a quarry that can work longer hours and complete the work quicker and get more out of the capital invested in their plant. You see, a man who is confined to eight hours on a Government job is confined to eight hours on everything he does, because if he works nine hours on any other work his men would immediately leave him.

Mr. RAINEY. So that the tendency, you think, would be to establish a universal eight-hour day?

Mr. RICHARDSON. This bill, as I understand it, would establish a universal eight-hour day in the United States.

Mr. RAINEY. And that is the situation you object to?

Mr. RICHARDSON. I would object to such a prospect as that, because I do not think it would be healthy.

Mr. RAINEY. Objecting on behalf of the men who would be called upon to work eight hours, or on behalf of the contractors who employ them?

Mr. RICHARDSON. I think, in a general way, a general eight-hour day in the United States would drive a great deal of business to foreign countries; a great deal of our manufactured goods would have to go somewhere else, necessarily.

Mr. RAINEY. But the particular industry you mention, getting out granite for building; that could not be driven to foreign countries?

Mr. RICHARDSON. Not very well.

Mr. RAINEY. And you are speaking for that industry particularly?

Mr. RICHARDSON. No, not particularly; anything that goes to make up a part of the building. You take the electric motors, electrical appliances, and other things.

Mr. RAINEY. Do you know how many hours a day men are required to work now in great German factories?

Mr. RICHARDSON. No; I can not say that I am very well posted on that.

Mr. RAINEY. Then, if they are only required to work eight hours a day, and if Germany is competing with us successfully in the markets of the world, that would be an argument against your position, would it not?

Mr. RICHARDSON. No, sir; I would not think so, because the wages would have something to do with it. They might work for half there what our men would work for here and be able to live on half what our men could here.

Mr. HASKINS. Your position is just this: You have a contract for putting up a public building here in Washington, or in New York or Philadelphia, and you want to furnish marble or granite or steel, and

if the Vermont Marble Company or the Ellis Granite Company or any of the other granite companies in Vermont are working their men nine hours a day, and they have a contract, for instance, as they did, to furnish the granite to build the capitol at Harrisburg and Milwaukee and other large buildings, you could not negotiate with them at all, because you work your men but eight hours a day, while they are working theirs nine hours; they would have to come to an eight-hour basis?

Mr. RICHARDSON. That would be the condition.

Mr. HASKINS. And again, you would be responsible for any penalties if your subcontractors permitted their men to work over eight hours a day?

Mr. RICHARDSON. That is as I understand the bill; yes, sir.

Mr. HASKINS. I understand it so.

Mr. EMERY. May I ask a question in connection with that, Mr. Chairman?

The CHAIRMAN. Certainly.

Mr. EMERY. Mr. Richardson, I want to ask you, in view of the conditions stated by Mr. Haskins, would you, as a contractor, undertake in the future to enter into Government contracts where you had to be the guarantor of all the subcontractors under such conditions as Mr. Haskins describes, being a guarantor under penalty?

Mr. RICHARDSON. No; we would not dare to do it. There would be very few people, if any, who could give bond under such conditions. I think it would be, as I said, suicidal for a man to attempt it.

Mr. EMERY. You understand under the bill you become the guarantor of the subcontractor?

Mr. RICHARDSON. I understand it.

Mr. EMERY. So the penalty would attach to you for each violation of the law on his part?

Mr. RICHARDSON. We could not control those subcontractors, and right in the beginning it would drive a great many of them out of the competition; they would refuse. Some of those which have been mentioned, the Vermont Marble Company, for instance, I believe would refuse to bid on a job under these conditions.

Mr. EMERY. Would not that also have an effect on the bidding on public buildings—for instance, on the public library—of some of the foreign companies, Mexican, for example, supplying onyx and fine marble?

Mr. RICHARDSON. I have never had a case direct with a foreign supply house; I have had contracts with American contractors who had contracts with Italians for Italian marble.

Mr. PAYSON. That is, two degrees removed from you?

Mr. RICHARDSON. Yes, sir.

Mr. PAYSON. A subcontractor under your subcontractor?

Mr. RICHARDSON. Yes, sir. I never had any contract direct with any foreign company.

The CHAIRMAN. We understand, of course, then that this testimony on this bill is being offered on the presumption that its construction warrants the statement that it would apply in the cases named?

Mr. PAYSON. Oh, yes.

Mr. HAYDEN. I would like to ask a question. Do I understand you to take this position, that this bill, if enacted, would tend to establish a uniform eight-hour day throughout the country; or would it tend to

make firms now dealing with the Government, or which might deal with it, refuse to take Government work at all?

Mr. RICHARDSON. It would tend to make the firms refuse to take Government work at all. If it could be held in force long enough, then it would apply the other way, but in the beginning, or right on the start, it would force firms who are now competing on Government work in those lines to decline to bid.

Mr. HAYDEN. And some firms would make a specialty of Government work, and do nothing else?

Mr. RICHARDSON. Some, perhaps, would do that. There might be some cases where they would do that, where the job, we will say, for instance, a large job of granite, for example, where it was big enough, a quarry might agree to enter into that contract, but they would eliminate all their other business.

Mr. HAYDEN. For the time being.

Mr. RICHARDSON. For the time being. Now, on a small building of \$200,000 or \$300,000 they would not do that; they could not afford to; it would drive them out of all their other business. They could not compete. The competition is too close for them to compete where there is an hour's difference in the day, and it would simply drive them out of the other. They would have to confine themselves to these Government contracts, and they would not take them at all unless they were large enough to warrant the risk.

Mr. PAYSON. It would be an abandonment of the commercial business for the time being?

Mr. RICHARDSON. Yes, sir; they would be compelled to abandon it, because they could not bid low enough to get it in 1 case out of 100, because the hour's difference would shut them out of competition.

Mr. HAYDEN. That is, work done on a rigid eight-hour restriction, like the one provided for in the bill, would make work more costly and delay its performance?

Mr. RICHARDSON. Undoubtedly.

Mr. HAYDEN. You are convinced of that?

Mr. RICHARDSON. There is no question about that.

Mr. HAYDEN. What proportion of your work is done for the Government; can you state that roughly?

Mr. RICHARDSON. For the past five or six years almost 50 per cent of it.

Mr. HAYDEN. About 50 per cent?

Mr. RICHARDSON. Yes.

Mr. HAYDEN. And you would feel obliged to abandon that work if this bill were enacted?

Mr. RICHARDSON. Oh, there is no question about that.

Mr. HAYDEN. In order to save your commercial work?

Mr. RICHARDSON. I would refuse absolutely to compete. It would be folly for me to compete; I could not get a bonding company in the United States to go on my bond if I had one of those contracts under those conditions, because they would know it would be utterly impossible for me to complete, in any reasonable time, a contract under those conditions.

Mr. HAYDEN. You could not control your subcontractors?

Mr. RICHARDSON. I could not control them.

Mr. HAYDEN. Are you able to state, approximately, how many subcontractors you have on a building, we will say, costing \$500,000?

Mr. RICHARDSON. Probably 12 to 15.

Mr. HAYDEN. And where are such subcontractors located, with reference to Washington?

Mr. RICHARDSON. All over the United States. In our locality that we bid in they are from Atlanta, Ga., to New Hampshire and Maine; and from Chicago this way. Our subcontractors cover that territory.

Mr. HAYDEN. The entire territory?

Mr. RICHARDSON. Yes, sir. We confine our Government work almost entirely to the New England States and the South, and we have never gone West farther than Pittsburg with any particular Government work, so that we do not get any of the Western contracts.

Mr. HASKINS. Do you employ a large number of laborers?

Mr. RICHARDSON. At times we do; yes, sir.

Mr. HASKINS. Do you employ them in the city of Washington?

Mr. RICHARDSON. Yes, sir.

Mr. HASKINS. What are the hours of labor a day?

Mr. RICHARDSON. The mechanics' are eight hours; the laborers', the ordinary laborers' are nine hours.

The CHAIRMAN. Is that on public buildings?

Mr. RICHARDSON. That is on all our buildings here; the mechanics' hours here on the buildings in Washington are eight hours a day. In fact, all of our work on the building itself, whether it is for the Government or for private parties, is eight hours with our skilled mechanics.

Mr. DAVENPORT. Do they sometimes work overtime; not on the public buildings, but on private buildings?

Mr. RICHARDSON. Invariably; yes, sir; a great deal of it.

Mr. DAVENPORT. This bill would cut all that out if it was applied to all work done in preparing material for the building; it would neither require nor permit any person to work more than eight hours?

Mr. RICHARDSON. I understand so; yes, sir. You see, there are times when we are compelled to work overtime in order to carry our contracts through. We may have a piece of stone condemned or a dozen pieces, as the case may be; after they have been made and delivered to the building they may be damaged, and in order to get through with our work it is necessary to work the men overtime on that. It is not always convenient to work two shifts unless your plant is fitted up for that purpose. So you continue to work an hour and a half or two hours or until dark, as the case may be, as long as the men can see to work, on that piece of work, in order to hurry it through.

Mr. DAVENPORT. Do not these men value the privilege of working overtime for overtime pay?

Mr. RICHARDSON. Undoubtedly they do; they covet it.

Mr. PAYSON. Get that clear in the record.

Mr. EMERY. They seek overtime frequently, do they not?

Mr. RICHARDSON. They do; yes, sir.

Mr. DAVENPORT. And if this act was passed and cut them off from any such privilege, do you think they would be in favor of it?

Mr. RICHARDSON. No; the majority of them, I think, would not be. I do not think they would be. We have cases here in Washington on our private work where our men have repeatedly left us and gone to work on buildings, such as the Fuller Construction Company is erecting, where they were working overtime and nights and Sundays; they leave us where they have been working for us perhaps for years

and go to work for the Fuller Construction Company in order to get that overtime; sometimes make two weeks' pay in one. A man will do that on every opportunity he can get.

Mr. DAVENPORT. So that the working man is not absolutely devoid of sense, then.

Mr. EMERY. That is particularly true of trades that are not employed constantly throughout the year, is it not? I mean in trades that are not employed, for instance, twelve months in a year; for instance, structural iron workers, as a rule, seek overtime, do they not, during the time when they are able to work?

Mr. RICHARDSON. You see with the mechanics on the building they are not, as a rule, employed constantly; they are employed by the day or by the hour, and when we get slack we are compelled to lay them off, and when we get busy we pile them on and sometimes work a week and then they are off. We never hire our mechanics for any longer period than a day unless it might be a superintendent or something like that, so that I am speaking of a man who works for a day, not about a man who has a yearly job, as in factories.

Mr. EMERY. Then whenever employment is slack, the tendency to seek overtime work becomes greater on the part of the building trade employees, does it not?

Mr. RICHARDSON. It would naturally do so.

Mr. EMERY. And in that way they endeavor to compensate for the period of time when they may be out of employment; is that it?

Mr. RICHARDSON. Yes, sir; every hour they could get in would help to make up for this loss.

Mr. HASKINS. Your observation has been somewhat extensive; what do you say of this claim that is made sometimes, that a man will perform for his employer as great an amount of labor in eight hours as he will in nine or ten hours?

Mr. RICHARDSON. No; that is not so.

Mr. HASKINS. And you make that statement from your extensive observation of laborers?

Mr. RICHARDSON. In our line of business; there may be certain lines of business, perhaps we might say glass blowing, where they could do as much in eight hours as they could in ten, but not in the mechanical line—in the building business.

The CHAIRMAN. From what you have said about your employment of men, how much of it relates to your private employment and how much to employment upon the public buildings?

Mr. EMERY. I think, Mr. Chairman, he said a while ago that about 50 per cent was Government work.

The CHAIRMAN. It is in the statement that the time of mechanics is eight hours and the time of laborers nine hours. Does that refer to your work on public buildings of the United States or the District of Columbia, or upon private employment?

Mr. RICHARDSON. The nine hours refers exclusively to private work; on public buildings it is all eight hours whether it is skilled mechanic labor or whether it is unskilled.

The CHAIRMAN. Then, in that statement, you are simply talking about your private employment, and not about the public employment?

Mr. RICHARDSON. Regarding the nine hours, yes, sir.

The CHAIRMAN. So that, as to public buildings, those laborers work only eight hours?

Mr. RICHARDSON. Yes, sir.

Mr. HASKINS. All you have said about the effects of the bill is based upon the idea that it applies to all the subcontractors that you have named, like those who furnish granite and steel and nails and lath and every other kind of stuff, wherever you get it?

Mr. RICHARDSON. No; not necessarily; referring to nails or laths, it is a rare case where we make subcontracts for such things as nails. Sometimes we would make contracts for lath, and it would apply in that, but not in all cases. A great many of those things we buy without any contract; when we need them we order from some house we are dealing with.

Mr. HASKINS. You have subcontracts for heating and lighting, have you not?

Mr. RICHARDSON. Yes; I was referring to subcontractors who supplied us with a price to do a certain thing and we entered into a contract with those contractors.

The CHAIRMAN. What kind of a thing?

Mr. RICHARDSON. Stone, iron, wood work, sheet-metal work.

Mr. PAYSON. Heating?

Mr. RICHARDSON. Heating.

Mr. PAYSON. Electric-light work?

Mr. RICHARDSON. Electric-light work.

The CHAIRMAN. One moment, Judge; you are intermixing things that are under established law along with things that are not.

Mr. PAYSON. I beg your pardon; I do not think any of those things come in under existing law. I think a contract for electric-lighting machines made with a man in New York to go into the District building down here does not come within the law.

Mr. HAYDEN. The Attorney-General has so held.

Mr. PAYSON. And I am glad to be indorsed by so distinguished a man as the Attorney-General. That is my opinion of the law; is it not yours, Mr. Chairman?

The CHAIRMAN. My opinion is that the putting in of the pipes for heating and the wires for electric lighting and all the other things that are done upon the building are under the old penal statutes.

Mr. PAYSON. Fixing, that is one thing; and furnishing, that is another. The electric motor or the odds and ends that go to make up a steam-heating plant—the boilers, pipes, raidators, and all that sort of thing—I agree with you that the fixing of the things may come under the law, but the contract for the furnishing I do not believe does.

The CHAIRMAN. Your contention is that that contract would come under the proposed law?

Mr. PAYSON. My contention would be, in that kind of a case, yes.

The CHAIRMAN. I only want to show in the record that the testimony only bears upon the situation at all unless the act applies to the cases named.

Mr. PAYSON. Undoubtedly; speaking for myself, I agree with you.

Mr. HAYDEN. Mr. Richardson, the structural steel, the stone, and the wood work that you have referred to as procured by subcontractors is all specially designed for a particular building, is it not?

Mr. RICHARDSON. Yes, sir.

Mr. HAYDEN. It is not material that you could go and buy in open market?

Mr. RICHARDSON. No, sir.

Mr. HAYDEN. You have to order it in advance and have it gotten out according to specifications and plans for that specific purpose, and it would be good for nothing else?

Mr. RICHARDSON. No; it has to be in accordance with the plans and specifications, and samples of the particular material have to be submitted and approved, so that we very often have—we had a case not long ago where a granite contractor got financially embarrassed and could not complete his contract, and we had to complete it for him. We could not place the order anywhere else; we could not get granite anywhere else, because that granite had been approved for that particular work, and it is difficult to get two granites that will match up just alike, so that you can not go into the open market. It is impossible, in many cases, to go into the open market and buy what would be necessary to complete a noncompleted contract; you have to get it in that particular place. It is so in millwork. Of course, in steel, you might go anywhere and place another contract for it, but you could not buy it in open market.

Mr. EMERY. In placing a contract for structural steel for building, that structural steel is just as much made for that particular building as the steel ribs of a ship?

Mr. RICHARDSON. Undoubtedly.

Mr. EMERY. You could not use the structural steel in any other building?

Mr. RICHARDSON. Not unless by a great loss in recutting. It is all made to a pattern and worked out to a thirty-second of an inch in many cases, so that every part fits exactly when it goes into the building. All you have to do is to assemble it; the work is done at the mill.

Mr. HAYDEN. The same is true of the stone and wood work?

Mr. RICHARDSON. Yes, the granite is cut and shaped at the quarry, ready to be lifted on the derrick, even with a Lewis hole cut in it, and each particular stone is marked, and there is a chart or a setting plan, with a number for each particular stone, and each stone must go into the place where it is numbered, like a piece of a watch, sometimes, but not quite as fine.

Mr. EMERY. That is particularly true of marble and all those finer materials, is it not?

Mr. RICHARDSON. Yes, sir.

The CHAIRMAN. As a matter of fact, from your knowledge, is structural steel, so called, ever made except on order; is it ever made in any form for sale except upon order and by specification?

Mr. RICHARDSON. We have never had a case in Government buildings except where it was ordered by the specifications and for a specific purpose.

The CHAIRMAN. Is it ever made and offered for sale without being manufactured by specifications at all, as a matter of commerce at all, that you know of?

Mr. RICHARDSON. No, sir. You can buy a beam or a rod, but if it is going to be used in the construction of a building, it must be manufactured or shaped or cut or bored afterwards, and you can not

do that in the open market; you have to make a contract to have that done.

The CHAIRMAN. What kind of structural steel can you buy in the open market, so far as you know?

Mr. RICHARDSON. You can not buy any that is ready to go into the building.

The CHAIRMAN. Not ready to go into the building?

Mr. RICHARDSON. Not unless it would be a plain beam that might be laid over an opening, or something like that. Even the plain flooring beam would have to be cut the length and punched, sometimes not very much work on it, but they must be laid out by a plan, punched for certain sized rods, and at certain intervals.

Mr. HOLDER. I would like to ask Mr. Richardson if he has read this bill?

Mr. RICHARDSON. I have not read all of the bill.

Mr. HOLDER. There is one section that bears upon the subject that you have just been referring to which reads like this:

That nothing in this act shall apply to contracts for such materials or articles as may usually be bought in the open market, whether made to conform to particular specifications or not.

That is an exception clause. That lets you out of some of the difficulties that you have been contending against.

Mr. RICHARDSON. No; I would not think so. As I understand the portion of the bill that you have read, it does not apply to such articles as can be bought in open market.

Mr. HOLDER. "Whether made to conform to particular specifications or not;" that is specific.

Mr. RICHARDSON. That would not affect parts of a building at all, because you can not buy them. You can not buy parts of a building that is made by a plan, that is to be erected under the instructions of an architect in accordance with specifications. You can not go out into the open market and buy anything. That would apply to that building. If there is any finished part to it at all you could not find anything that would fit. That is in Government contracts. Even if you could find it so they would not permit it to be used. You have to have the article prepared in many cases, such as the manufacture of steel. You can not manufacture it until the inspector has inspected the material before it is manufactured, so that you could not go out into the open market for steel work in a Government building and buy it, even if it was already in shape and ready to be put in there, because the material that the beams were made out of must go under a test before the contractor can make it.

Mr. PAYSON. As to tensile strength, and all that sort of thing?

Mr. RICHARDSON. Yes, sir; it must be accepted and approved.

Mr. HASKINS. You could go into the open market and buy lathing for roofs and flooring?

Mr. RICHARDSON. Yes, sir; flooring; but you could not buy roofing. Of course, you might buy stock for roofing, such as tin, but 99 per cent of the contractors who build public buildings make their contracts with some man who makes that a special line of business, just the same as the boiler man, a man who manufactures and places that tin work on the roof of the building. That is also under contract. While you could buy tin, or material, by the sheets in the box and carry it to the buildings and employ tinnerns to put the tin roof on



while that would be quite possible, it could not be so with granite or steel work, or such things as that.

Mr. EMERY. Mr. Richardson, I would like to ask one question with respect to the question asked by Mr. Rainey as to the policy of an eight-hour day. It is a fact, is it not, that the eight-hour day in private employment is generally with building trades?

Mr. RICHARDSON. Yes; it is.

Mr. EMERY. Do you know of any instance in private employment, whether in the form of a collective bargain or otherwise, where it is agreed not to work more than eight hours, or where overtime is not usual and customary?

Mr. RICHARDSON. Not in private employment.

Mr. EMERY. That is all I speak of. Of course, in public work we are prohibited by law. I say, is it customary and usual to provide for overtime under trade agreements, or what we term the "open shop?"

Mr. RICHARDSON. In all trade agreements with the union they insist on that being one of the articles that is inserted in the agreement, that overtime shall be paid for at such a rate, and holidays and Sundays, and so forth, would be paid for at such a rate. That is always provided. There is always a provision, in any trade agreement that I have ever seen, for overtime, so that you could work your men overtime or not, as you saw fit.

Mr. DAVENPORT. Did you ever know of any agreement in private work where it was stipulated that they should not work overtime?

Mr. RICHARDSON. I do not think there ever was one; I have never heard of one.

#### STATEMENT OF MR. E. C. GRAHAM, OF WASHINGTON, D. C.

Mr. GRAHAM. I am the president of the National Electric Supply Company, of Washington. Our business has been built up largely on Government business. I have not given this bill close study, but there are a few things in it which seem to be so indefinite we would not know where we stood if the matter came up. The manner of furnishing supplies to the Government is, for instance, an exception. A question comes up in my mind, What are supplies? If we had a contract, as we have at the Soldiers' Home at the present for \$90,000, including the installation of a certain cable system, that is supplies to a certain extent, and yet there is labor in connection with it; it can not be put in without labor, and it seems to come under the conditions of the bill, as I see it. A cable is a commercial article, but entirely special for the particular job. It could not be bought in the open market, and we must enter into a contract with the General Electric Company for the cable.

Mr. PAYSON. Under the specifications for the place where it is to go?

Mr. GRAHAM. Yes, sir. So it would seem that we would be responsible in that case for the material furnished by the manufacturer; it would be beyond our contract to prevent it or to know anything about it, and this cable is, perhaps, a very small amount of a lot of stuff they are making. There might be something in the ground that would necessitate ten hours' work, but we would be penalized every day we worked the labor ten hours. That applies to switchboards. You can not go into the open market and buy switchboards; they are not stock articles, except a very few types. That stuff out there was

worth in dollars and cents perhaps \$2,000. The mechanics are working nine and ten hours on it, to the best of my knowledge; on particular parts of it they surely are. The manufacturer who makes that stuff makes but little Government stuff, and he is on a nine-hour basis. In that way it would affect our material. Of course, as I understand it, we furnish material to the Government, as we have to this building, large quantities of lamps, which is excluded in this, but suppose we were furnishing up here in the Dome some lamps in connection with the contract, or the wire that went into it would be the same; it would be such a mixed-up affair that we would not know where we were in the matter.

Mr. EMERY. Would you be willing to undertake a contract in a large amount, become a guarantor under penalty that the work specified under the specifications fixed by the Government would be done in each instance by laborers or mechanics who under no circumstances worked over eight hours a day?

Mr. GRAHAM. I could not and be honest with my company.

Mr. EMERY. Would you take that risk?

Mr. GRAHAM. No; I would not. Permit me to give an illustration. I would no more accept a contract of that kind than I would accept the contract for the installation of an electric system on a building here in town under course of construction where the general contractor submitted to me a specification in which he stated "that the mechanics you employ on this work must be satisfactory to the other mechanics on the job." It is well known what they meant by it. They wanted union men, but it was such a clause that they could employ any kind of men they wanted; we could employ union men and the others be nonunion and refuse to work with them. It was too general. The eight-hour maximum in Washington has been established, you might say, from the fact that the Government institutions here were working eight hours. Our workmen who work on buildings, work eight hours a day, the same as other building mechanics. The men in our shop, between 15 and 20, are not union men, and never have been. To prevent them from coming under control of somebody else besides our concern, I gave them the same rate per hour that we pay the mechanics on the outside, and I gave them their preference of working eight hours at 50 cents an hour or nine hours at 50 cents an hour. The result was that they adopted a nine-hour day in the shop. The men want to work overtime every time they get a chance. An illustration of that is that if anybody has a rush in town, the mechanics want to work for him. In general, that is all I can say on it, unless there are some questions I can answer.

Mr. DAVENPORT. Do they seem to be injured by working nine hours rather than eight?

Mr. GRAHAM. No; they no not; they are better men. I would rather have nine-hour men than eight-hour men; the nine-hour man is a better workman the next day; he has a better head on him; he has not dissipated so long.

Mr. EMERY. Do you find, as a matter of fact, in the skilled labor you employ or have employed, they can accomplish as much, normally speaking, under an eight-hour day as they can under a nine-hour day?

Mr. GRAHAM. They can not, absolutely. At the time of the last inaugural ball that work necessarily had to be done in a very short time. The room was turned over to the contractor one week.

Mr. PAYSON. You mean the Pension Office.

Mr. GRAHAM. Yes, sir; the Pension Office. The carpenters and other mechanics worked as much as eighteen hours a day, sometimes. I personally supervised the installation of the electrical work in there, and our men worked twelve hours a day for a full week, some of them, and in many cases eighteen hours. Their unit of work per hour was just as great for the full time as it would have been for the eight hours. In fact, if you take a lot of mechanics and you start them in on work, it takes them an hour or so to get in on the particular work they are working on unless it is the same work day after day. If they worked four hours before they start work, it is natural that they can make more headway as they get more used to the work, and at that time we could have employed every man in town in our business. They worked for other people in the daytime and wanted to work for us at night. It was not a case of men who were out of work, either, but they wanted to work.

Mr. DAVENPORT. Were they union men?

Mr. GRAHAM. Yes, sir.

Mr. DAVENPORT. In your experience, did you ever know of a union man to be unwilling to work overtime for overtime pay?

Mr. GRAHAM. I never heard of it.

Mr. DAVENPORT. Do you think that a law which deprives them of that privilege would be satisfactory or pleasing to them, as far as you know?

Mr. GRAHAM. To the individual, it would not, absolutely not. I have asked men, "Do you want to work a little longer? We are rushed now; if you want to run an hour longer for a week or two, you can do it." He said, "Well, if it is on work so the union will not know it, I would be glad to do it." I have never had an individual say he did not want to work overtime. I have been in business here sixteen years in the District, and I have never heard any complaints of a nine-hour day, and we used to work nine hours when I first went into the business; except that they have more work to go around if they only work eight hours and that is the theory, but the claim that a man can do more work in eight hours than he can in nine has not worked out.

Mr. PAYSON. One question. In these days is not competition among contractors so sharp that in justice to the contractor himself he should know beyond question exactly what he is undertaking to do, without assuming any uncertain risks of construction in the contract that he enters into?

Mr. GRAHAM. Most assuredly, he should have everything clear. As every year goes by we see contractors who close their doors and go out of business. We people who have been fairly successful in business say, "He did not know how to run his business." But it comes right back to the point you have raised there, that he did not know by experience that he could not take that risk, and some individual on the outside who backed him financially is the man who suffers.

Mr. EMERY. Drawing on your experience, Mr. Graham, what would be your own attitude and that of your firm toward future Government contracts if you were required to make them under the conditions fixed by this act, where you were not permitted to work overtime and where you had to become the guarantor of subcontractors who supplied articles under specifications fixed by the Government?

Mr. GRAHAM. We would first try to get the subcontractor to give us a bond that he would live up to the conditions of the contract, which,

I think, would be very doubtful. I think it would be doubtful about his being successfully able to compete for any business at all that would come up. Then our only other resource would be to look for more desirable business or go out of business entirely.

Mr. EMERY. Then what, in your opinion, would be the general effect on Government contracts?

Mr. GRAHAM. It would be demoralizing on Government contractors.

Mr. EMERY. You think that there would be less and less competition for Government contracts?

Mr. GRAHAM. Most assuredly.

Mr. PAYSON. One thing further I would like to get your judgment upon. I do not know that it has ever been touched upon in these hearings. Suppose that it should happen by reason of these contingencies that you have named and the fear in assuming risks such as you have named, that the Government was driven to attempt to do its own work in a way; would not the Government, in that condition of affairs, be in exactly the same condition as to subcontractors and inability to get contracts from them to do the work for the Government that you, as a contractor, would be under in the same line? .

Mr. GRAHAM. Naturally so. I want to give you an illustration of supplies. While this does not cover supplies, I want to show you how, when you throw restrictions around a contract, you eliminate the contractors.

Mr. EMERY. This covers supplies that can not be bought in the open market.

Mr. GRAHAM. This particular supply I speak of does apply. The Navy Department, about a year ago, asked for bids on 270,000 incandescent lamps, or thereabouts. They had a specification that no manufacturer could make lamps in accordance with. When bids were opened we were the only bidders for those lamps, regardless of the number of manufacturers there were in the country, and dealers. We handed in the only bid. We had qualified our bid to furnish lamps such as could be made. There was no competition, because they had thrown around it restrictions that the lamp manufacturers would not consent to. Whether we got more or not than the lamps were worth, they did not have time to readvertise, and they gave contracts for the lamps in accordance with our proposal.

(Thereupon, at 3.20 o'clock, the committee adjourned until tomorrow, Thursday, February 20, 1908, at 2 o'clock, p. m.)

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THURSDAY, *February 20, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

#### STATEMENT OF MR. J. A. EMERY.

Mr. EMERY. Mr. Chairman and gentlemen of the committee, in the course of the presentation of our case against this bill we submitted to you yesterday some evidence of a practical character, that of business men of long experience and established reputation, regarding the effect upon their own contracts with the Government of the measure before this committee for consideration. We shall submit

a considerable amount of further evidence upon this subject of the same practical character, and I may say for the benefit of the committee that our ability to supply evidence of this character from gentlemen with the very deepest financial interest in the future stipulations to be contained in Government contracts is limited only by the patience of the committee. The amount involved in Government contracts annually is of so great a character, affects so many industries, and is of such deep concern to so many actual, as well as prospective, contractors, that it is of the deepest importance to them that they should be protected against an improper assumption of risks or against the passage of bills of dubious and uncertain meaning, to say nothing of restrictions upon their liberty of an unconstitutional nature.

We apprehend, in addressing this committee, that it is not the desire of the committee to enact doubtful or vague or uncertain legislation. The personnel of the committee and the responsibility that rests upon its members assure us that such a conclusion is most reasonable. But it is not only important, gentlemen, that the end which the law seeks to attain shall be in itself a proper one, but that it shall be attained by a proper legislative method. The ambiguities that creep into legislative enactments were aptly and cleverly described in the story Daniel O'Connell told of the effort of the Roscommon County council to provide by resolution for the construction of a jail, expressing its intent in three resolutions, as follows:

1. *Resolved*, That the county of Roscommon do construct a jail.
2. That the new jail be constructed out of the materials of which the old jail is composed.
3. That the prisoners confined in the old jail remain there until the completion of the new jail.

The bill before the committee for consideration contains some objectionable features, not merely in the estimation of the opponents of the bill, but in the estimation of the law officer of the Government to whom it was submitted by the Department of Commerce and Labor, or to whom a bill practically identical with the present bill was submitted by the honorable Secretary of the Department of Commerce and Labor, which opinion is contained in the report by the Hon. Victor H. Metcalf, Secretary of the Department of Commerce and Labor, on H. R. 4064, being the eight-hour bill, Document No. 413. I ask, Mr. Chairman, that the opinion of the Solicitor, beginning on page 16 and concluding on page 19, be made a part of my remarks for the purpose of reference.

**OPINION OF THE SOLICITOR OF THE DEPARTMENT AS TO THE  
SCOPE OF THE BILL.**

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SOLICITOR,  
*Washington, June 22, 1904.*

**THE SECRETARY OF COMMERCE AND LABOR:**

SIR: I have the honor to acknowledge the receipt of a letter of Acting Secretary Murray, under date of the 14th instant, requesting my opinion on the scope of House bill No. 4064, entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon

work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

A careful study of the terms of this bill and of the statements and arguments made upon the several hearings before the committees to which it was referred, shows that it affects only those contracts which contemplate labor to be performed after the execution of the contract and in fulfillment of it. Labor performed upon, or in connection with, the subject-matter of the contract, prior to the execution of the contract, is not affected by the provisions of this bill; hence contracts made by the Government for the purchase of articles in existence do not come within the scope of the bill. But all contracts which contemplate the performance of labor after their execution, except in so far as the bill expressly excludes them, are affected by the provisions of the bill, whether the labor be expressly required by the terms of the contract or be necessarily involved; hence, subject to the express exceptions made in the bill, the following two general classes of contracts fall within the scope of the bill:

First, contracts solely for the performance of labor; secondly, contracts for the sale and delivery of materials or articles, where, from the terms of the contract, or the nature of the article, or the situation of the parties, or the circumstances of the case, it is contemplated, at the time of the execution of the contract, that labor will be performed upon, or in connection with, the material or article, in the fulfillment of the contract. Although contracts for transportation and contracts for the transmission of intelligence are contracts for labor, they are expressly excepted from the eight-hour provisions.

In addition to these, certain contracts which belong to the second class above mentioned are excepted from the operation of the bill. They are "contracts for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, and contracts for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not."

Both of these exceptions, in my opinion, are expressed in language which is vague. In case this bill becomes a law there will necessarily be a variety of interpretations made by executive officers, by contractors, by laborers, and by the courts until a clear and final determination has been made by the highest court of the land. My own opinion is that "such materials or articles as may usually be bought in open market" embrace all articles and materials, a stock or quantity of which is usually kept on hand for sale to the public, by some person making it his business to sell such articles. By virtue of the words "whether made to conform to particular specifications or not," it seems reasonably clear that if an article or material may usually be bought in the open market a contract for such article or material is not governed by the provisions of the bill limiting work to eight hours a day, even although the article or material, by the provisions of the contract, is to be made according to particular specifications. Articles and materials, therefore, even although not of standard sizes, qualities, patterns, or types, would probably be within the exception and be excluded from the eight-hour provision if the same general kind of article in other sizes, qualities, patterns, or types was purchasable in the open market. There may be a point where variation from standard sizes, qualities,

patterns, or types is so great as to make an article separate and distinct from any class usually found in the open market. Whether this is so must be determined in each case as it arises. It is impossible in advance to make a classification of the innumerable articles purchased by the Government and say which are excepted and which are not excepted by this bill. Purchasing officers of the various departments not only have the best means of knowing what are the articles purchased by their respective departments, but also whether such articles are usually purchasable in open market, and whether or not they depart to so great an extent from articles usually kept in stock for sale that the articles contracted for may be said not to be purchasable in open market. The chairmen and members of the committees of the Senate and of the House to which the bill was referred, the advocates and the opponents of its passage, upon the various hearings, expressed conflicting views as to the proper construction of the language embodying this exception in its application to numerous articles which were mentioned. It may be proper here to say that the chairman of the Senate committee to which the bill was referred, Senator McComas, who was the author of the language of the exceptions under consideration, declared that in his opinion 95 per cent of the articles purchased by the Government were excepted from the eight-hour provision of the bill. Personally I can lay down no more specific rule than that heretofore stated by me, leaving its application to those having to do with the cases as they arise.

The fourth exception in the bill is "contracts for the purchase of supplies by the Government, whether manufactured according to particular specifications or not." The word "supplies" is one which is used with a great deal of latitude. Its definitions vary from the comprehensive ones given in Webster's Dictionary and in the Standard Dictionary, viz, "that which supplies a want," "that which is or can be supplied; available aggregate of things needed or demanded," down through various limitations to the extremely narrow meanings given to it as used in appropriation bills where legislative provision for one class of articles has caused a general provision for "supplies" to be held not to include articles mentioned in other places in the bill which would, however, ordinarily fall within the term. This uncertainty in the use of the word "supplies," like the vagueness of the expression "such materials as may usually be bought in open market," in my opinion, makes it vitally necessary that the bill should be amended and more specific language used. Uncertainty as to the scope of these exceptions will doubtless result in contractors increasing the amounts of their bids or refraining from bidding. If they bid under the impression that the contract which is sought by them is within the exception, it may thereafter be determined that it is not within the exception, and, in such event, great loss would result to them.

The definitions of the word "supplies," given in the dictionaries which I have just cited, should not be adopted in the construction of this bill. To do so would be to nullify its provisions in toto. Furthermore, those definitions, in my opinion, give the primary rather than the ordinary or even the legal meaning of the word. On the other hand, I think there is no justification for giving the word the narrow meaning frequently given to it in the various appropriation bills. It should be given that meaning which it has long enjoyed in the general statutes of the Government relating to supplies. The word

"supplies," as used in section 3709 of the Revised Statutes, has been construed by Second Comptroller Maynard and by Comptroller Tracewell (5 Comp. Dec., 65) as having reference to "those things which the well-known needs of the public service will from time to time require in its different branches for its successful and efficient administration." Without considering how accurate that definition was as the word is used in section 3709, I am of the opinion that the word "supplies," as used in the bill under consideration, relates to articles which are provided to meet well known, customary, and usual needs of the public service, as distinguished from exceptional or special needs. To a very large extent the idea of consumption or of destruction by use as distinguished from permanency of duration, and the consequent necessity of frequent renewal and of annual provision, is involved. Supplies ordinarily are incidentals. Furthermore, the word includes personalty but not realty. Public buildings, public works, public vessels, and all unusual purchases would not be within the meaning of the word "supplies." This last statement is not to be construed as implying that all other articles not mentioned in it constitute supplies. Doubtless many other articles than those mentioned would not be supplies, but it would be impossible to enumerate them in advance.

I return the papers submitted to me inclosed in the letter of the Acting Secretary of the 14th instant.

Respectfully,

W. M. COLLIER, *Solicitor.*

The same objection to the verbiage of the bill which was made by the Solicitor-General to bill No. 4064 can be made with equal force against the existing bill, as all the dubious phrases therein complained of as uncertain or vague remain in the present bill. The Solicitor-General declares particularly that such expressions as "contracts for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, and contracts for the purchase of supplies for the Government, whether manufactured to conform to particular specifications or not," were, in his opinion, exceedingly vague. As the opinion is contained in the record, there is no necessity for dealing with it in detail, except to again assert, Mr. Chairman, that the defects there pointed out are still in the bill, and that if the law officers of the Government themselves consider that the language of the bill is vague, dubious, and uncertain, can it be the policy of this committee to recommend for passage an act which makes the risk of a contractor most uncertain, and which may apply to a large class of articles offered under Government contract, to which the contractor is uncertain whether such stipulations in the contract apply or not? And yet any contract, if this act becomes a law, which affects the articles in question and which does not contain the stipulations provided for in this act, must of necessity be an invalid contract, and the contractor for the Government must find himself facing one of two contingencies, either that he supply the Government the articles in question without such stipulations in his contract and take the chances under complaint, or under investigation by some officer of the Government discovering that he has not complied with the law, and that the disbursing officer of the Government may not pay him because of the invalid nature of the contract into which he has entered. Or the contractor may proceed under the stipulation of this bill,



made a part of his contract, and he then renders himself liable, according to the opinion of the chairman of this committee, not only to the penal provisions of the eight-hour law of 1892, but to those additional penalties provided by this contemplated act. It is to be observed, Mr. Chairman, that there is a great difference of opinion between the law officer of the Government and the able chairman of this committee as to the application of this act. I understand, from the opinion expressed by Mr. Gardner in the course of some remarks to Mr. Davenport during a hearing on bill 4064, that it was his opinion that it did apply to the subject-matter of the eight-hour act of 1892, whereas it is the Solicitor's opinion, expressed in his conclusions to the head of the Department of Commerce and Labor, that this bill would not so apply.

MR. DAVENPORT. You mean the eight-hour law of 1892?

MR. EMERY. Yes. "Inasmuch as nothing in this act shall be construed to repeal chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892." Now, sir, when two such eminent gentlemen can differ so widely as to the application of this bill, what is the position of the contractor, or would it be the purpose of the committee to assist in increasing the patronage of the legal profession by saying to the contractor, "Inform himself more carefully and seek legal advice more constantly before assuming the risks necessarily involved in Government contracts under conditions fixed by this bill."

There are other phrases in the bill, Mr. Chairman, that are just as uncertain and just as vague. Take the term "mechanics" itself. While it might be said hastily and with seeming reason that there could be no question about what a "mechanic" was, let me say that the courts of the various States have found some difficulty in precisely defining the term; that in one case, in the Sixtieth Federal, *United States v. Hoffman*, it has been held that a merchant tailor was a mechanic within the meaning of the lien law. Under that interpretation any merchant tailor, although he employed workmen in the manufacture of his clothes, yet if he assisted, supervised, and occasionally used the tools of his trade in the course of daily work, would be a mechanic within the meaning of that act. The application of that to the manufacture of Government uniforms, the frequent and constant subject of contract between private individuals and the Government of the United States, might very well lead one to ask, Is it possible for a merchant tailor making uniforms for the Government of the United States, under one aspect of the act, to be a contractor, and under another aspect of the act to be prevented from working more than eight hours upon his own property, the subject of future delivery to the Government?

Again, in a case in the State of Kansas, a "civil engineer" is held to be within the meaning of the lien law of that State, to be a "mechanic" in the full sense of the term, and very naturally one would ask what the effect of this bill would then be in the ship-building and steel industries. Would the civil engineer, in the preparation of the drafts and plans required to prepare the specific chattels that were the subject of contract, be a mechanic, or would he not? Gentlemen, these questions are not questions easy of solution; they can not be guessed at without serious risk to the property rights of the contractors. Why should this committee undertake

to guess at these things when the Supreme Court of the United States has recently found it impossible to agree on a distinction between a seaman and a laborer in the case of the United States against Ellis. Five of the learned judges held that the eight-hour law did not apply to the men working upon dredges and scows in the improvement of Boston harbor, while three equally distinguished gentlemen, Mr. Justice Harlan, Mr. Justice Day, and Mr. Justice Moody, asserted that these men were laborers or mechanics within the meaning of that law; that they were mechanics and not seamen, inasmuch as they were doing mechanical work on a floating platform. So, some time ago, in the case of the United States v. Jefferson, in the Sixtieth Federal Reporter, the court held that a seaman engaged in removing obstructions from a harbor in the course of an improvement of a public waterway was a laborer within the meaning of the eight-hour law of 1892. So that there seems to be very considerable doubt as to the extension of the term "mechanic" itself, and when we come to the terms to which the Solicitor made his chief objection in the course of the opinion rendered to the Department of Commerce and Labor, still more serious doubts must necessarily arise as to the meaning of terms like "supplies."

As Judge Davenport very sharply pointed out in a former discussion, the contractors for a proposed battle ship offer to "supply" to the United States a battle ship; whether or not that would be a "supply" within the meaning of this bill is uncertain. If the term "supplies" be accepted in its widest sense, it would unquestionably repeal the former exceptions of the bill, inasmuch as it would "seriously contradict them." If "supplies" be confined to narrower limits, how shall they be defined in the absence of an arbitrary meaning?

Furthermore, there seems to be the utmost uncertainty as to the meaning of the term "other extraordinary events or condition," not covered by the terms "due to any emergency caused by fire, famine, or flood, by danger to life or to property." So that in those regards the law is still uncertain. These uncertainties were pointed out. They have not been cured in the bill by any amendment made to it, and when a law officer of the United States declares that a bill is of so vague a character, so uncertain in its application and terms as to demand verbal correction, is it to be assumed that this committee will recommend such a law for passage when they must themselves doubt its meaning? Surely it is not the intention of the committee to deliberately make it difficult for a contractor to do business with the Government of the United States, to be uncertain as to the risk which he assumes; not to know the meaning of the contract offered to him, but to take it, gambling in litigation.

Now, Mr. Chairman, I should approach with very considerable hesitation any discussion of the constitutionality of the bill if it were thought that I assumed to add anything to the strength of the argument made by the distinguished gentleman who preceded me, and who must have excited exceedingly grave doubts, at least, as to the constitutionality of the bill which, we must contend, Mr. Chairman, does attempt to impair the right of private contract in private employment.

It has been contended here, and I believe it was contended before the Senate committee, by the proponents of this measure, that with

regard to the stipulations required by this bill to be placed in contracts with the Government, that if the Government had the right to fix the conditions under which its work should be done, it had the right to demand that contracts fixing those conditions be entered into, but it was pointed out that there was a marked distinction between any attempt on the part of the Government to fix the hours of labor upon the public works of the United States, and any attempt upon the part of the United States to fix hours of labor in private employment. But before I proceed to that discussion let me say that there can be no doubt in the minds of this committee as to what the purpose and intent of this bill is. Mr. Gompers stated before this committee on several occasions that it was his desire, through the instrumentality of the Government contract, to enforce an eight-hour day in all the industries of the United States. In response to a question asked by Judge Payson in 1902, and a similar question in 1904, Mr. Gompers made the intent and desire of the proponents of this legislation very clear by saying on the last occasion:

We are endeavoring to secure the limitation of a day's work to eight hours. Where Government work enters into the operation of a plant, either in part or in whole, we expect that eight hours shall constitute a day's work by law and the limitation of a day's work.

Mr. PAYSON. That is what I wanted you to say.

Mr. GOMPERS. I am very glad, because I wanted to say it myself, and I want to emphasize it, if possible.

We have been asked how far does this bill go? How far do you want it to go? If we are candid, and we desire to be, as to how far, we would answer until it reached every man, woman, and child who works in the United States. And I trust that statement will be broad enough and comprehensive enough to satisfy the opponents of the bill.

That, then, is the purpose of this legislation as described by its proponents. Now, Mr. Gompers has confessed, also, at least, he declares in a statement made to this committee, that he was at a loss how to use the law in the effectuation of such policy, until it was suggested to him that if an eight-hour day in private employment could not be procured by penal statute, it could be gotten indirectly through the Government contract. So, then, it is frankly admitted that that which would be unconstitutional if attempted by direct statute, is desired and attempted by the proponents of this legislation through the stipulation of a contract. The proponents of this bill believed it would be impracticable to sustain two time systems in any plant; that operatives could not be worked nine or ten or eight and a half or nine and a half hours in one part of a factory on private work and eight hours upon the Government contracts in another part of the factory, so that an eight-hour system, without overtime privilege, would be compelled or Government work given up.

It has been intimated here that it is within the power of the Government of the United States to absolutely fix the terms of its contracts; that the State may arbitrarily stipulate with those who seek its work, they remaining at liberty to accept or reject its conditions.

Its right to regulate the hours of labor for its contractors or sub-contractors was practically settled by the case of *Adkin v. Kansas* (191 U. S.). But I believe that a careful reading of that decision will not make more certain the intent of the court to distinguish very clearly and finally between the right of the Government to regulate

the hours of labor and the conditions of employment upon its public works and the right of the Government to directly or indirectly fix the conditions and hours of labor in private employment.

In constructing or improving the public works of the United States the contractor is working upon the property of the United States or upon that of which the Government of the United States has exclusive jurisdiction. In the case of *Atkin v. Kansas* the defendant in that action, which originated in the State courts of Kansas, was working upon a public boulevard, which was not a municipal but a State highway, and the State could have performed the work upon that highway itself if it wished to do so. Instead it gave to its agent, the municipality, through which the boulevard ran, the right to contract for its care, subject to the conditions of contract fixed by the State upon its public works. When the court proceeds to the discussion of that case, it sums up its opinion, finally, in italics, written by the hand of the court, to mark its own clear-cut distinction. Asserting the constitutional right of the State to demand a contract of that character "*for itself or for one of its municipal agencies.*" The contractor was there, working upon that which belonged to the State. It regulated conditions on its own property and in its own service. But under the terms of this bill the Government attempts to regulate, what? The conditions under which a chattel, the exclusive property of a private individual, his until completed, delivered, and accepted by the Government, shall be produced. It says, in this bill, that as to all matters not excepted by its provisions, the contractor and the subcontractor, indefinitely, shall not permit in any stage or process of the production of the subject-matter of the contract, the employment of any mechanic or laborer more than eight hours.

It restricts on the one hand the right of the contractor to purchase more than eight hours of labor upon that matter contemplated by the contract; it restricts the liberty of every single man who may offer his labor for sale to the contractor and makes it impossible for him to sell to him on that work more than eight hours of his service. He may have twenty-four hours of it to sell but he is actually inhibited in private employment from selling it the moment that the Government contract, not excepted by this bill, enters into the factory door of the contractor. The conditions of private employment may be nine or ten or eleven or twelve hours a day; they may be eight and one-half hours; the Government contract may be but an incident of the work of the contractor, but the moment that its subject-matter comes upon the floor of his factory, that moment the operative who touches it, like the contractor who undertakes it, is by operation of law stripped of existing contractual rights; the one may sell but eight hours of his labor, the other may buy no more.

It is said that this bill proposes to be merely directive; it is more than that, Mr. Chairman. As was said by the court in *People ex rel., Rodgers et al.* (166th New York), where a statute very similar to the proposed terms of this bill was under consideration by the court of appeals of the State of New York:

Nor is it entirely true that the statute is a mere direction by the sovereign authority to one of its own agencies to contract in certain cases in a particular way. It is all that, no doubt, and very much more, since it affects personal and municipal rights in many directions that are of vastly more importance than the mere form of a contract to perform municipal work.

In *Cleveland v. Construction Co.* (67 Ohio State), which was drawn to the attention of this committee the other day, a statute almost exactly similar in its provisions to the bill here offered, substantially identical in fact, was held unconstitutional by the supreme court of the State of Ohio after mature consideration and in an exceedingly well considered opinion, for the reason that it did improperly, unduly, and without constitutional authority interfere with private contractual rights of the private employer and the private employee. The very distinction that we have sought to make as to the ruling in *Adkin v. Kansas* is made in that case, between the right of the State to fix the hours of labor and the conditions of contracts on its public works, and the right of the State to attempt to fix the conditions of private employment in the production of a chattel intended, if you please, to fulfill a contract made with the Government, but belonging exclusively to the contractor, until the moment that the finished article is delivered and accepted by the Government, and the important distinction in the *Kansas* case is especially employed in the case of *in re Broad* (436 Washington, 449), in which a contractor on public works, one James C. Broad, permitted a workman in his employ to work more than eight hours on certain public works of the city of Spokane, was arrested, and a writ of habeas corpus sued out, an attack being thus made upon the constitutionality of the eight-hour law there in question. There was here of course no attempt by the State to control private employment; it was a question as to whether or not the State had a right to fix the hours of labor upon its public works, and the court considering its case turned at once to *Adkin v. Kansas* and gave its judicial idea of what the Supreme Court of the United States had there decided, making the same distinction we seek to impress upon this committee.

Referring to the *Atkin* case, the Washington court says:

But the decision was based upon an entirely new theory of the law, namely, that it was a public work on which the contractor was engaged, and with reference to which he contracted; that the State, or the municipalities, through delegated powers from the State, had a right to do their work in any manner in which they saw fit, and that they had the same right to compel those with whom they contracted to perform the public work in the same manner, and that there was no question of violation of private right involved.

Mr. NICHOLLS. May I ask if the statute there required that contracts, when made, should require that only certain hours of labor be performed?

Mr. EMERY. The statute is here, Mr. Nicholls. The defendant here was charged with a violation of an ordinance of the city of Spokane:

*Provided*, That hereafter eight hours in any calendar day shall constitute a day's work on any work done for the city of Spokane, subject to the conditions hereinafter provided.

It goes on to fix the wages of labor, and then provides:

Any contractor, subcontractor, or agent of contractor, foreman, or employer, who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment in the city jail for a period of not less than ten days nor more than ninety days, or both such fine and imprisonment, at the discretion of the court.

Then the court referred to the State law which authorized the municipality to make such a provision, there being an explicit statute of the State of Washington on that subject contained in the laws of 1899.

Mr. NICHOLLS. But deciding, did I understand you to say, that the firms contracting to do the work had the right to do it in any manner they saw fit?

Mr. EMERY. Oh, no. This case decides that the contractor who had violated the eight-hour law—the eight-hour ordinance of the city of Spokane—had committed a criminal offense in so doing and that it was within the power of the city to make an ordinance of that character and regulate employment upon the public works of the city of Spokane, in accordance with a power which the State had given it to so do, and I called it to the attention of the committee for the purpose of giving the distinction which the court made in that case between the regulation of employment on public works and any attempt on the part of the State or of the city to attempt to regulate the conditions of private employment. In the following year in the case of *Normile v. Thompson et al.* (37 Washington) the city ordinance of the city of Seattle of the same character was again brought to the attention of the court and the court reaffirmed the opinion expressed in this case and pointed out the same clear distinction between the right of the State to regulate conditions of employment upon its public works and its right to attempt any regulation of the conditions of private employment, except in exercise of the police powers of the State, where there was a question of public safety, morals, or of public welfare.

This bill, Mr. Chairman, if only in part, attempts to provide a stipulation in a contract by which a private contractor engaged in a private business, but undertaking to supply materials or articles desired by the Government not within the exceptions of the proposed bill, is required to guarantee, on behalf of himself and on behalf of all subcontractors, that no mechanic or laborer shall be required or permitted to work more than eight hours in any stage of the operation necessary to carry out that contract.

Mr. HOLDER. What are you trying to convey there, the distinction between the one man working eight hours per day or the privilege of the contractor to use two men or three men during the twenty-four hours?

Mr. EMERY. There is no question about the contractor, under the eight-hour law, using as many shifts as he pleases, providing he does not permit or require the same man to work more than eight hours.

Mr. HOLDER. Yes; but one could draw from your remarks that this bill calls for a strict specification that only eight hours' work shall be done upon that work during twenty-four hours, regardless of the number of men employed.

Mr. PAYSON. By any one man.

Mr. EMERY. I am not attempting to presume such a conclusion, because there is nothing in the law to justify that. It simply prohibits any contractor from employing any one laborer or mechanic more than eight hours in any one calendar day on any work which is the subject-matter of a Government contract and not within the exceptions set out here—that is, he must stipulate that he will not so

do, and of course he is penalized if he or his subcontractor, indefinitely, like Dean Swift's fleas, violates that provision by permitting or requiring any man to work more than eight hours.

Now, our contention is that the contractor upon the subject-matter of Government contracts, except upon the public works of the United States, is engaged in the production, in private employment, of a chattel which he is to deliver to the Government under conditions fixed by it, but it is his own personal, individual property up to the moment when that finished thing is delivered and accepted by the Government. On public works, in every stage of a man's work, he is working upon the property of the Government, upon something that belongs to the Government, of which it has exclusive control and jurisdiction. In the production of a chattel for Government consumption under private contract, the thing which he produces does not belong to the Government in any stage of its production, or even when it is finished, until the Government formerly accepts it.

Mr. HOLDER. Has there been any claim that it does?

Mr. EMERY. I should be surprised if anyone did assert it.

Mr. HOLDER. Then what is the use of trying to dispute it?

Mr. EMERY. I am very glad to know that you do not dispute it. I am making that observation for the purpose of showing that under this bill what you are attempting to regulate is a private, not a public, contract—the purchase and sale of labor by two parties, the capitalist and laborer, the employer and employee engaged in the production of an article to be delivered to the Government. A man undertakes to build a ship for the Government. He employs labor in so doing. Up to the very moment when that ship is delivered to the Government and accepted by it, it belongs to the shipbuilder, the individual firm or corporation undertaking the construction of that ship. Under the provisions of this bill, if a battle ship is not a supply and therefore exempted here, the Government requires as a condition of the contract that the contractor shall neither require nor permit anyone to work more than eight hours in one day on that work, and that he shall guarantee indefinitely, with regard to subcontractors, that in everything that goes into that ship which is not subject to the exemptions of this bill no man shall work more than eight hours, no overtime being permitted.

Now, gentlemen, I submit to the committee, is not that a direct attempt to regulate the conditions of private employment and private contract with regard to the production of an article intended for Government consumption? And if it is, then it is an improper, inexcusable, indefensible, and unconstitutional interference with the right of private contract; for, as the Supreme Court said, I believe by Justice Brown in the Utah eight-hour case, "between living persons, there is no possible way by which property can be acquired except by contract;" and it has been held, and held repeatedly, that not merely is a contract property, but the right to make a contract is a property right, and the law aims fundamentally at the fullest protection to that right. Nor has the State any right whatever to interfere with it, except where public welfare demands, or where, in the exercise of that indefinable thing, the police power of the State, it is necessary to condition that contract. 'But is any claim made here that it is unhealthy or unsafe for a man to work more than eight

hours on a Government contract; that the same thing, when made for the Government, threatens the worker's health, but requires no regulation when made for private individuals? Is this committee willing to say such a prohibition placed upon the private contractual right can be defended on the ground that it is a reasonable exercise of the police power of the State? The police power of the National Government is not indefinite; at least, it is not unlimited. The legislature has not the power to do anything it pleases under the color of the police power. It can not use it at will as a legislative mask. One of our great justices has said the police power is a somewhat indefinable thing in the abstract, and that we are more sure of its source and its beginning than we are of its end and its limitation; and, so far, the courts have satisfied themselves with saying whether a particular legislative action was the proper exercise of the police power or not, but they have pointed out, from the lower courts to the Supreme Court of the United States constantly, that the police power of the Government was not something to be juggled with; it was not something that could be put on and off to excuse any kind of legislation under specious appearances. For where there is not reasonable ground to defend, explain, and vindicate the exercise of such police power, trespassing upon the property or personal rights of the individual, it will be immediately questioned by the courts.

Mr. NICHOLLS. Would you not consider the Government in this case to be a party to the contract?

Mr. EMERY. Yes, sir.

Mr. NICHOLLS. And would it not have the same rights as any individual to specify the terms under which it would agree to make a contract?

Mr. EMERY. Of course; the Government has two powers; one as a contractor and the other as a lawmaker. The fact that it makes contracts does not prevent it from making laws to govern contracts.

Mr. NICHOLLS. In this case, the contract in main, we will say, has not the Government the right, and is it not the same right, in all equity, that an individual citizen has, to specify the terms in the contract before agreeing to it; and would that be, where the specifications were that the laborer in that contract should not work more than eight hours a day for any individual, in your opinion, unconstitutional? Would it prevent him, in that particular case, from specifying that as one of the terms of the contract?

Mr. DAVENPORT. That is the exact point here.

Mr. EMERY. Of course no individual has a right to make any contract he pleases; the law does not permit him. No man can make any contract he pleases with anybody else where it is against public policy.

Mr. NICHOLLS. But, as a general question, you said, or agreed, that the Government has a right, as a contractor in the case, to place in the contract, provided the other party agrees, any specification it deems fit.

Mr. EMERY. You mean, then, the power of the Government to stipulate in a contract is unlimited?

Mr. NICHOLLS. I would say, provided the citizen who makes the contract with it agrees to those terms, when there is no compulsion.



Mr. EMERY. Now, the Government, Mr. Nicholls, is simply the agent of the people. It is divided into three general divisions; we have our executive, legislative, and judicial functions of government, and they derive their powers from the people, and they are limited powers, and they only have such powers as the people grant to them. I will put it to you in that way.

Mr. NICHOLLS. Pardon me, so that I may make myself clear. What I am asking you in this case is, under the powers conferred already upon the Government by the people and written in its Constitution and its laws, is not the Government at liberty to proceed to make a contract with a manufacturer that he may furnish certain materials under certain specifications, and that those who work upon the material shall not work more than eight hours per day. Do you agree that the Government now has that power or not?

Mr. EMERY. I say the Government has the power to fix the hours of labor where it attempts to make a contract on its own public works, but where the Government attempts to fix the conditions of contracts by requiring the stipulation which, improperly or illegally or unconstitutionally affects the property rights or personal liberty of the private citizen, it can not exact such a contract from him, because if it had that power, inasmuch as this Government is constituted for the protection of the personal and property rights of its citizens, it would have conferred upon it, by the people who organized to obtain those things, the power to destroy them. Its limitations of activity are of such a nature that obviously it can not act to destroy those very things which it was created or originated to defend, and our contention is, then, that the attempt to compel such stipulations as these is an infringement, a trespass, an unconstitutional attempt to destroy, or impair, or inhibit the contractual right of private citizens.

Mr. NICHOLLS. To prevent the right of private contract.

Mr. EMERY. To prevent the right of private contract, and that that is done under the color of a Government contract, and the effect of it is to fix the conditions of private contracts, not the contract with the Government, because the man who is making the thing for the benefit of the Government is a private contractor engaged in private business, and is free at the present time to make any contract that is not against public policy. He can refuse to make a Government contract, and while, you may say, he has the right to make that contract or leave it alone, you have put terms in that contract which you have no right to exact of him as a citizen, and that is exactly what the court said in the *City of Cleveland v. the Construction Company*, where that very objection was made. They said:

It is not in the power of the legislature to protect an invalid law from judicial scrutiny by providing that it must receive the assent of the parties to every contract to which it relates. \* \* \* Courts in such cases are not bound by mere forms, but must look at the substance of things, and so viewing this transaction, it would be idle to attempt to deceive ourselves with the idea that the question involved in this appeal arises out of the stipulations of the parties to the contract, or is governed by them, rather than the provisions of a statute. The contract is in the form that we find it, not because the parties so elected to contract but for the reason that the statute would not permit them to contract in any other way.

Mr. NICHOLLS. But you would not say that were this bill enacted into a law it would compel any person to do anything except through his own choice, would you?

Mr. EMERY. Yes, but the law does not desire a man even to voluntarily be deprived of his rights; that is exactly what is aimed at here. You apparently proceed under the idea that the Government as a contractor can make a contract which a private individual could not make.

Mr. NICHOLLS. Yes, and that under that assumption that would prevent one citizen from having the same privileges as other citizens under that same law; that was my theory, and under this law I wanted to find out whether this did or did not give the same rights to all the citizens to bid and agree with the Government upon certain terms as it did to any particular citizens.

Mr. EMERY. The contention that you have made has been put in another way by saying what I referred to some time ago, the fact that it was contended that such stipulations as those required in a bill of this character are merely directory, as in the case where a State directs the municipality to make only contracts of such a form, or as in this case the Government of the United States directs its servants and officers to make contracts only under the form fixed by this bill, and it was said in the Ohio case by those who attempted to support such a bill, that it was "more than a mere direction by it a principal to an agent, and that its provisions apply not only to officers and agents of the State of Ohio, but that they apply with equal force to all persons who would enter into contracts with the State or any of its political subdivisions."

That is exactly your contention, that all citizens are on an equality in making a government contract under these conditions. The opinion continues:

What the terms and stipulations of a contract shall be is matter to be determined by the contracting parties and the right has not been delegated to, nor is it within the power of the general assembly, by mandatory laws to prescribe the terms and provisions that shall be inserted in contracts that may be made between persons legally competent to contract.

That is, the employer and the employee in the present case who do joint work in the production of the subject-matter of the contract.

Doubtless the legislature might, in the absence of contract between the parties, prescribe the number of hours' labor that should constitute a day's work, but it is not in the power of the legislature, by the enactment of a positive law, to abridge the right of parties to fix by contract the number of hours that shall constitute a day's work, nor to deny effect to the stipulations and agreements of the parties themselves touching such matter, except only as the exercise of such power may be authorized for the common welfare; and the right to so exercise this power of restraint extends only to matters affecting the public welfare or the health, safety, and morals of the community.

Mr. DAVENPORT. Right there, let me remind you that the Supreme Court of the United States, in declaring unconstitutional the law of the State of New York in regard to the bakers, said that calling it a police regulation did not make it one, and that the matter was in that regard clearly beyond the power of the State to prohibit a man working in a bakery more than ten hours in day.

Mr. NICHOLLS. But was not that entirely a private business?

Mr. EMERY. Certainly it was.

Mr. NICHOLLS. That case was different from these public works that this bill is supposed to cover.

Mr. HAYDEN. This is not limited to public works.

Mr. NICHOLLS. But that case was not work for the municipality or the State. It was for private employment, and might have been any other kind of employment.

Mr. DAVENPORT. But as to what is within the police power the Supreme Court of the United States expressly held that they could not say that it was unlawful, criminal, for a man to permit his men to work more than ten hours a day in a bakery, but that similarly here the subcontractor would be, by this law, prevented from having them work more than ten hours a day.

Mr. HOLDER. What authority have you gentlemen to quote that the police power of a State or a nation shall be rigid, permanent?

Mr. DAVENPORT. The Supreme Court has drawn a line in that case, and in this case, and in a multitude of cases.

Mr. HOLDER. What was this case that you just read from?

Mr. DAVENPORT. The *Cleveland v. Construction Company* case.

Mr. EMERY. Let me say with respect to your objection—

Mr. HOLDER. I am not objecting; I simply asked for information.

Mr. EMERY. I will say with respect to an objection of that kind, when a bill is offered and the exercise of the legislative power is contemplated the burden is always upon the legislator to be sure that he does not do that which is of doubtful constitutionality or doubtful validity. The passage of a law immediately takes something from the rights of a private citizen. The liberty of the citizen is not to be abridged by government except within its powers and for good cause. Every statute trespasses to some extent upon individual liberty, and the very purpose of constitutional limitations is to say how far the state can go in intruding upon the individual, for it is the individual himself, as a citizen, and constituting collectively the people of the United States, who granted the powers under which the Government acts.

Mr. HOLDER. That may be true, but I say again that you have no definition or no authority to quote that the police powers of a nation or state are rigid; they are liable to be expanded; they are elastic.

Mr. EMERY. They are elastic as to the subjects, sir, upon which they may be exercised; they are rigid with respect to the principle of their administration.

Mr. HOLDER. What might be considered good police powers to-day might be to-morrow entirely revolutionized by new conditions.

Mr. EMERY. With regard to the principle of their application, no; with regard to its subject-matter, yes. In some new industry or in the development of some new process of manufacture it might become necessary, in the exercise of the police power, to regulate the hours of labor in that industry, but that does not imply a new power. It is a new use of the existing power. You fail to distinguish between the police power and the application.

Mr. HOLDER. You were laying some emphasis on the police power, and right here, if you will permit me, allow me to illustrate with regard to the shorter hours of service. The Fifty-ninth Congress provided that the police powers of the State might become elastic. What for? Because of the fact that so many of the public have been killed on account of telegraph operators and railroad people being employed over a reasonable number of hours. Immediately the police powers of the States were called into being, and here we have

new legislation, protecting not only the operators, not only the railroad men, but the public whose lives you have in care. So I contend that the police power is not a rigid proposition.

Mr. EMERY. There was no new police power displayed in any new acts of Congress which, by the way, have not yet come before any courts; but, so far as the power of Congress to make any legislation in regard to telegraph operators or anybody else engaged in interstate commerce, the Congress of the United States in the days of George Washington had that power, except where it has been added to by amendment of the Constitution, but they did not have the subject-matter of modern application. They had no railroads in that day, but they could have applied it to stage coaches if, in the exercise of wise policy, they had seen fit to regulate the number of hours the men who worked on stage coaches, carrying mails or anything in interstate commerce, should work. The powers of the United States, in so far as they are inherent, were in the first Congress as much as they are in the present Congress. The application of a power may cover a variety of subject-matter. But it is the same power variously exercised according to the changing demands of time and circumstance.

Mr. DAVENPORT. Mr. Emery, have you with you a reference to the bakers' case?

Mr. EMERY. No, I have not.

Mr. HOLDER. The language that was used by the decision just read is practically what was said in the bakers' case, substantially word for word.

Mr. EMERY. Mr. Chairman, I have endeavored to impress upon the committee the distinction that has been made with regard to the governmental regulation of the hours of labor on the public works of the United States and the attempt on the part of the Government of the United States, through the stipulations of a contract, to regulate the private industrial relations of citizens. I believe that that distinction applies fully to the subject-matter of this bill, as its intent and effect is manifestly to regulate private contractual relations between citizens of the United States.

It has been urged by some gentlemen here that this bill is less objectionable than preceding eight-hour bills, for the reason that it applied to a smaller number of industries. But, Mr. Chairman, is it the intention of Congress to make the conditions of public contracts more difficult in some industries than in others? Why should this or that industry be singled out and made the recipient of such attentions from the legislative department of the Government? What sound reason of policy or good statesmanship would single out particular industries for harmful discrimination? In fact, it is generally considered good statesmanship to encourage all industries to become competitors for Government work, on the theory that competition secures the articles required for the necessities of the Government at a cheaper rate and betters their quality.

Respecting the policy of the bill, as to whether or not the Government of the United States, on vague grounds, should endeavor to put its shoulder to the wheel to produce, under the guise of some exercise of the police power indirectly, an eight-hour day in private establishments by forcing Government contractors to adopt it, is it the

policy of the Government of the United States to put itself on record and favor with its approval a measure which has as its end the endeavor to say that a man shall work eight hours in all parts of the United States of America, but no more, whether he will it or not? Under the terms of this very bill, if it become law and its stipulations were in a Government contract, there are innumerable instances in which you absolutely prohibit a man from working more than eight hours on his own property. Judge Payson suggested the instance of the man who provided a mast to be stepped, who owned the timber, who was the main laborer—subcontractor, if you like—who prepared the mast by the labor of his own hands, and would therefore be a mechanic under the interpretation of the law. This act would not permit him, unless you think that mast is included among supplies and other indefinite exceptions of the bill, to work on his own property more than eight hours in one calendar day. The United States Steel Corporation has 200,000 employees in its various subsidiary corporations, over 20 per cent of whom, we are told in a recent newspaper statement, are stockholders of the company, and to the extent of their ownership of stock they are part owners in the business. You pass this bill and let any of those subsidiary corporations of the United States Steel Corporation undertake the execution of a Government contract, and you forbid the part owners, the 20 per cent of the stockholders of the United States Steel Corporation among its own workmen, from working at their own business.

What reason of sound policy can be found for attempting to absolutely fix the hours that any individual shall work, and as long as that discussion is to proceed, on what theory is it to be limited to manual labor? Is it not as wise to protect the exercise and best operations of the human mind by limiting mental labor as well as manual labor? Is there any manual or mechanical labor that is worth anything except that which is guided and directed by mind possessing technical knowledge, skill, superior and valuable thought, that realizes its judgment in a mechanical way in the matter beneath its effort? Why protect the mechanic and the laborer alone? Why not the lawyer, why not the doctor, why not the clergyman? Why exclude any class in the United States from the beneficent operations of your reform? Why not provide that chaplains in the Navy shall not work more than eight hours? Why not give your help to that policy as well as to inhibiting the laborer and the mechanic? Why not prohibit the preacher from his prayer beyond eight hours, the lawyer from the practice of his profession? Undoubtedly some of the committees of Congress would have been saved great labor if there had been an eight-hour law in force here; undoubtedly the legislators need the protection of an eight-hour day, and why should it be kept from them and given to only one laboring class in the community? Why not to the farmer, who needs it more than anyone else? for there is a popular belief that the farmer works his thirteen and fourteen hours a day on the average, although we are told he has more rest in the winter time. He needs it.

I believe that some comparisons were made here during the course of this discussion as to hours of labor in foreign countries, and it was suggested that Germany or France or England or some other countries, with whom we are engaged in commercial competition, were

tending toward the eight-hour day in private employment, and for that reason this Government should encourage a like movement, and furthermore, there was no danger to be felt in competition with foreign countries whose labor time had decreased or was decreasing beyond ours. Mr. Chairman, if the committee will glance for a moment at the very elaborate report of the Bureau of Labor on its exhibit at the Louisiana Purchase Exposition, it will find a most remarkable series of tables, covering 13 trades and general labor in Great Britain, France, Belgium, and Germany; an inquiry extends to comparative hours of labor and wages, and these remarkable tables will be found in the bulletin of the Bureau of Labor, No. 54. They cover a period from 1890 to 1903, and in every single instance you will note that the hours of labor are considerably longer in the 13 trades in Europe, but that the wages paid, particularly in Germany, which I believe was the subject of inquiry the other day, are 200 to 250 per cent less than the corresponding wages here, and that while it may be said that in some of the industries of Germany, which has forged ahead marvelously in manufacturing industries, there is an exceptional tendency in a few factories toward the establishment of the eight-hour standard in private employment, it is not being forced by legislation; it is being left to the evolution of the industry and the growth of agreements and the wiser and better feeling between employer and employee.

Mr. DAVENPORT. When you speak of the eight-hour day, do you mean the eight-hour day without the privilege of overtime?

Mr. EMERY. I have discussed that. No; I am speaking of the eight-hour day as a standard working day.

Mr. DAVENPORT. Do you know any place where they do not permit overtime work, even in New Zealand?

Mr. EMERY. I know of no instance, and when I read Mr. Gompers's statement that he represented the wishes of the American Federation of Labor in demanding the eight-hour day, and expressed their willingness to stand by a prohibition preventing them from working longer on the subject-matter of Government contracts, I thought that Mr. Gompers's statements were contradicted by the men themselves. I do know that, in the lithographers' case, they refused to work overtime, and there was a great strike in consequence, but I know of no trade agreement that does not provide for overtime, and it is the common experience of manufacturers and builders that overtime, holidays, and Sundays is in most instances eagerly sought. Let me say, in passing, with regard to that, that even if this were a good law, is this the time to enact it? Is this an hour when you are seeking to prevent labor from exercising its energies and endeavoring to obtain all it can for the expenditure of its effort, subject only to its own judgment and the wise police judgment of the State? This is an hour when the depression existing in present industry has resulted in curtailing some 20 per cent of the production of the nation; when men are not seeking to dodge work, but to find it; when they are hunting jobs, not trying to avoid them; when the cry is to find a place for the unemployed, not to find less work for the employed.

We have been taught as a nation, we believe as individuals, that work does no man harm within reasonable limits, and that work is not only of the hand, but of the mind, and that the hand is never well occupied except when the mind wisely directs it. "It is only by

labor," said John Ruskin, "that thought is kept healthy; it is only by thought that labor is made happy."

Let me say that, in addition to the figures presented in the report of the exhibit of the Bureau of Labor at the Louisiana Purchase Exposition, I desire also to include a statement extracted from the Special Consular Reports, volume 33, presented in 1905, which shows the hours of silk mills at Crefeld, Germany; of the engineering works at Dusseldorf; of the machinery works at Dusseldorf; of the hosiery works at Chemnitz; of the cotton mills at Munchen-Gladbach; of the woolen mills at Elberfeld; of the cutlery works at Solingen, and the steel works at Essen.

The following time schedules, taken from various representative factories in different places, will show exactly the length and distribution of the day's work:

*Hours in silk mill at Crefeld.*

SUMMER.		WINTER.	
Begin.....	7 a. m.	Begin.....	7.30 a. m.
Breakfast.....	8.30 to 8.45 a. m.	Dinner.....	12 to 1.30 p. m.
Dinner.....	12 to 1.30 p. m.	Tea.....	4 to 4.15 p. m.
Tea.....	4 to 4.15 p. m.	Close.....	7.15 p. m.
Close.....	7 p. m.		

Total in summer, 12 hours, minus 2 hours for meals equals 10 hours.

Total in winter, 11½ hours, minus 1½ hours for meals equals 10 hours. On Saturdays the closing time is 5.30 p. m. The week is, therefore, 58½ hours in summer and 58½ hours in winter.

*Hours in engineering works at Düsseldorf.*

Begin.....	6.30 a. m.
Breakfast.....	8.15 to 8.30 a. m.
Dinner.....	12 to 1.30 p. m.
Tea.....	4.15 to 4.30 p. m.
Close.....	6.30 p. m.

Total, 12 hours, minus 2 hours for meals equals 10 hours. Week, 60 hours.

*Hours in machinery works at Düsseldorf.*

Begin.....	7 a. m.
Dinner.....	12 to 1.30 p. m.
Close.....	6.30 p. m.

Total, 11½ hours, minus 1½ hours for meals equals 10 hours. Week, 60 hours.

*Hours in hosiery mill at Chemnitz.*

Begin.....	6 a. m. (winter 7 a. m.).
Breakfast.....	8.30 to 8.50 a. m.
Dinner.....	12 to 1 p. m.
Tea.....	4 to 4.20 p. m.
Close.....	6 p. m. (winter 7 p. m.).

Total, 12 hours, minus 1 hour and 40 minutes for meals equals 10 hours and 20 minutes. On Saturdays the mill closes at 5.30 p. m. Week, 61½ hours in summer, 60½ hours in winter.

*Hours in cotton mill at München-Gladbach.*

Begin.....	7 a. m.
Dinner.....	12 to 1.30 p. m.
Tea.....	4 to 4.15 p. m.
Close.....	6.30 p. m.

Total, 11½ hours, minus 1½ hours for meals equals 9½ hours. On Saturdays close at 5.30 p. m. Week, 57½ hours.

*Hours in woolen mill at Elberfeld.*

Begin .....	6 a. m.
Breakfast .....	8 to 8.15 a. m.
Dinner .....	12 to 1 p. m.
Tea .....	4 to 4.15 p. m.
Close .....	6.30 p. m.

Total, 12½ hours, minus 1½ hours for meals equals 11 hours. On Saturdays close at 2 p. m. Week, 62 hours.

*Hours in cutlery works at Solingen.*

Begin .....	7 a. m.
Breakfast .....	9 to 9.15 a. m. (youthful workers 9 to 9.30).
Dinner .....	12 to 1.30 p. m.
Tea .....	4 to 4.15 p. m. (youthful workers 4 to 4.30).
Close .....	7 p. m.

Total, 12 hours, minus 2 hours for meals equals 10 hours. Week, 60 hours for men, 58½ hours for women.

*Hours in engineering works at Chemnitz.*

Begin .....	6 a. m. (winter 7 a. m.).
Breakfast .....	8 to 8.30 a. m.
Dinner .....	12 to 1 p. m.
Tea .....	4 to 4.15 p. m.
Close .....	6 p. m. (winter 7 p. m.).

Total, 12 hours, minus 1½ hours for meals equals 10½ hours. Week, 61½ hours.

*Hours in steel works at Essen (Krupp).*

Begin .....	6 a. m.
Breakfast .....	8 to 8.15 a. m.
Dinner .....	12 to 1.30 p. m.
Tea .....	4 to 4.15 p. m.
Close .....	6 p. m.

Total, 12 hours, minus 2 hours for meals equals 10 hours. Week, 60 hours.

In all of those cases you will find, gentlemen, that in private employment there is practically a ten-hour day, and on inquiry at the German embassy this morning I was assured that there was no governmental regulation as to the hours of labor, even on the public works of the Empire, although there was some individual regulation among the states of the German Empire.

Mr. PAYSON. As to public work?

Mr. EMERY. I said there was no public regulation in the Empire as a whole, but there might be some regulation among the German states on public works, but in no case in private contracts. I was also told by the embassy that the eight-hour day as a standard work-day among the German manufacturers was exceptional, not general.

Mr. HOLDER. What consul was it that made that report?

Mr. EMERY. I was not able to get his name. I asked the Bureau of Labor for it, and they simply sent me that page. They said the complete report was not obtainable.

Mr. NICHOLLS. What is the date of it?

Mr. EMERY. It is simply dated 1905. I asked for information on the subject and the Bureau of Labor simply sent me these few pages, saying that the document from which these were taken was exhausted.

One additional word, let me say, with respect to the policy of this bill—the attempt to get a Government regulation of the hours of



labor, with a view to securing an indirect governmental regulation of the hours of private employment. The experience of legislation upon the industrial relation, the contractual relation, between employer and employee—the experience of history does not justify a belief that the interference of the state secures happy results. It might very properly be said that we prefer to learn by the moral of an experience of our own, but that is an exceedingly costly lesson to learn, and the mere fact that other states, other nations, had regulated the hours of labor would not be a reason why the United States should take upon itself as a Government the establishment of a policy that tended toward not merely the regulation of the hours of labor, but what I want to keep before the members of this committee, the prohibition of the sale of labor beyond a certain specified amount. It is a new doctrine in America that it is within the power of the Government to say in private employment that a man shall sell so much of his private labor and no more, and that that surplus store of his energy shall go into the junk heap of time.

The first great attempt at the regulation of the hours of labor by government followed upon an extraordinary calamity—the great English plague of 1347 or 1348. The supply of laborers was so unequal to the task of meeting the agricultural necessities of the hour, and in response to the operation of the law of supply and demand the wage of labor raised so greatly that the great manor lords of England appealed to the State to secure the labor necessary to operate their vast possessions, and obtained the enactment of the Statute of Laborers, passed, I believe, in 1349, which not only made it compulsory for the agricultural laborer to work within the confines of his parish, but fixed his pay at least within a maximum. That first interference on the part of the State with the contractual right of the employer and employee, done under the pressure of baronial need and under the excuse of great occasion, left an ineradicable mark upon the English statute books and modified all the future relations of the English employer and employee clear up to its repeal in the twenty-third or twenty-fourth year of the Victorian reign.

The statute of laborers was modified in Elizabethan time, but the private contractual relations between employer and employee were constantly kept within the grip of the state, and you find from the very beginning of feudal times, traced through Hallam's Constitutional History of the Middle Ages, traced by all our great historians, the constantly dangerous attempt on the part of the state to hold the workingman in subjection through the regulation of his labor contract, that is, with regard to hours and wages, often with regard to his freedom of movement from parish to parish, the state inhibiting his contractual rights, and compelling him to emerge but slowly from feudal conditions that found him in serfdom, until you trace that system of control of the labor contract from feudal control, through guild control to state control, until on the very eve of the French Revolution, the bells of Notre Dame rang out in public celebration of the repeal of the last statutory enactment that stood between the laborer and free contract.

The proponents of this bill have referred to the evolution of industrial relations. But they turn again to the very thing that for eight hundred years labor has striven to overcome, state control of the labor contract, because perchance they believe they are in a position to secure what they imagine would prove to be a beneficial

prohibition of the right to freely dispose of the workingman's only capital—his labor.

They come insisting that it is the wish of the laboring men. That is the chief possession the laboring man will have taken from him in respect to certain forms of contract, and this innovation once begun, where will it end? If you are asked to exercise the powers of government in the prohibition of the sale of labor and its purchase, to the extent fixed by the terms of this bill, where will it stop? Wise was the judge who called attention to that very danger, and with respect to exactly such legislation, said, on page 214 of the Sixty-seventh Ohio State Reports, referring to a previous decision of the court in which this very question of policy had been discussed.

"Such legislation may invade one class of rights to-day and another to-morrow, and if it can be sanctioned under the Constitution, while far removed in time we will not be far away in practical statesmanship from those ages when governmental prefects supervised the building of houses, the rearing of cattle, the sowing of seed, and the reaping of grain, and governmental ordinances regulated the movements and labor of artisans, the rate of wages, the price of food, the diet and clothing of the people, and a large range of other affairs long since in all civilized lands regarded as outside of governmental functions."

That is the very tendency of the thought behind this legislation, and it is wise statesmanship, gentlemen, that recognizes and prevents the onward movement of dangerous tendencies, not permitting them to reach their goal. We are to beware of just such movements as this, "lest it be recorded as a precedent, and many an error, by the same example, creep into the State." What sound reason of public policy has yet been advanced in all the hearings before these committees for the enactment of legislation of this character that seeks to put the seal of governmental approval upon an attempt to absolutely prohibit the sale of labor with respect to certain objects? If, sir, you can once prohibit the sale or the purchase of a man's labor for Government contracts; if you can once take away from him that which the courts of this country from their earliest day have held a most valuable property right, under some specious plea of benefit, how far could you not go with varying notions of paternalistic statesmanship? Among a free people, in the midst of democratic institutions, we note carefully the growth of innovations or tendencies in directions that seriously affect the fundamental rights of the citizen, which government exists only to protect.

I am greatly obliged to this committee for the patience with which you have listened to me.

(Thereupon, at 4 o'clock p. m., the committee adjourned until to-morrow. Friday, February 21, 1908, at 2 o'clock p. m.)

SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Friday, February 21, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

Mr. DAVENPORT. Mr. Chairman, I am in receipt of a telegram from the president of the Manufacturers' Association of Bridgeport, Conn., as follows:

BRIDGEPORT, CONN., *February 21, 1908.*

Hon. DANIEL DAVENPORT:

Please represent the manufacturers of Bridgeport in opposition to the eight-hour bill by every argument at your command.

(Signed)

S. T. DAVIS, Jr.,

*President of the Manufacturers' Association of Bridgeport, Conn.*

**STATEMENT OF MR. JOSEPH W. POWELL, OF PHILADELPHIA, PA.**

Mr. POWELL. Mr. Chairman, I have here a letter from the general manager of the Cramp Company which I would like to present to you.

The CHAIRMAN. Read it, so that it will get in the record.

Mr. POWELL. This letter reads:

FEBRUARY 20, 1908.

Hon. JAMES J. GARDNER,

*Chairman Committee on Labor,*

*House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to House Resolution No. 15651, which has been referred to your committee. This bill, which limits the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, or for other purposes, is similar to others that have been before the Congress on various previous occasions.

This company has presented its reasons for opposing the passage of bills of this character in the past, and is desirous of again submitting the same in some detail before your committee. While many most acceptable reasons can be urged against the enactment of this resolution, these seem to fall primarily under four headings:

1. The large increase in cost to the Government for all work done under the provisions of this act.

2. The practical impossibility of carrying on work for the Government in a commercial establishment under this law, and at the same time doing commercial work on a basis to permit competition with other firms not employed on Government work, rendering it necessary for a firm to refuse to accept Government business or to confine itself to it only.

3. Its effect in increasing the cost of output, and the decrease in promptness and efficiency of production, particularly in connection with competition with foreign manufacturers for foreign trades.

4. The definite limit placed upon the earning ability of the workman and the abridgment of his rights in this direction.

We therefore now wish to renew our objections in the most formal manner to the passage of this bill, and sincerely trust that it will not be favorably reported to the House.

(Signed)

THE WILLIAM CRAMP & SONS SHIP AND  
ENGINE BUILDING COMPANY.

H. W. HAND.

*Vice-President and General Manager.*

Mr. POWELL. Gentlemen, I am with the Cramp Company as assistant to the president, and I am sorry that the president, Mr. Henry S. Grove, is now in the South, so that he will probably be unable to attend the committee meetings. I know that if it had been possible he would have come here to have spread his views on this subject on your records. But in his absence I must do the best I can to put it before you, together with some of my own, which may not entirely agree with his.

It seems to me that the objections to this bill naturally fall under four groupings: First, as to its practicability; second, as to the extra cost and the effect on competition, particularly as affecting our foreign business, and also to a considerable extent our competition with other American manufacturers; third, the extra cost to the Government, which is certainly a very important factor, and, fourth, the effect on the individual workman.

I think, perhaps, in starting it may make some other remarks I want to make later a little clearer if I outline in a brief manner the procedure in the building of a large vessel. This is practically the same whether the vessel is for the Government or whether it is for the merchant marine. When the contract is let and the preliminary plans and specifications are put in the shipbuilder's hands, he must first proceed to get out enough details from those plans to begin ordering the material. In the case of a first-class battle ship there are altogether in the neighborhood of three thousand plans and sketches that must be made before that vessel is completed. The amount of material that is ordered runs up considerably beyond a million dollars, probably nearly to two millions in the later ships, and practically every piece must be specified in great detail. It is absolutely essential before any work whatever can be done in the yard that the material shall have been ordered and delivered in the proper sequence and in the proper amounts. To carry out a proper system it is necessary to look, I believe, further into the future than in almost any other line of manufacture.

When the first few general plans have been approved, it is then possible to begin the order of the structural material, and as this comes in and has been received in sufficient amounts the earliest work on the vessel can be begun. From that time on it is a question of building each complex structure step by step and piece by piece from the beginning. The want of any small detail at any time in the construction may hold up an enormously large volume of work that can not be begun or can not be gone ahead with because this apparently insignificant detail is not at hand. I might cite as an example of this the delay that may be caused by not receiving a single shell plate. The want of that single plate will prevent the closing in of the compartment and its water testing and holds up every bit of work that will later go on in that compartment after it has been tested. The instances of this sort might be multiplied indefinitely—how the non-receipt of an armor plate may hold up the backing and the completion of the work in weight of this portion of the ship. The lack of these plates may also absolutely stop the work, because it may be impossible to add other weights to the ship until the armor plate is in place, because if added it would be impossible to place these, because the armor shelf would be below the water line.

One of the great difficulties that the shipbuilder always has to encounter is the question of not getting some of his details when he needs them, and the delays that result therefrom are a constant source of annoyance and will certainly be affected by the bill now before you for consideration. This is one of the great disadvantages that the shipbuilder in this country labors under. I had the pleasure of spending some time in Great Britain last spring, and in talking with a number of the principal shipbuilders in that country, one of the points in which I was greatly interested was this question of delivery of materials. Over there they can normally get their steel

plates in from one to two weeks after they are ordered. In this country we are often very glad to get them after six months. They have been very fortunate in the past in being able to get armor when it was needed; their forgings come to them practically as soon after they are ordered as they can be manufactured. In this country the condition has been absolutely different. At the present time, due to the business depression, things come quicker, but when business is brisk, the shipbuilder unfortunately has had to take what is left over, and it has usually been not very much and has been very slow in coming.

It seems to me that if this bill goes through, it can not but result in making the conditions as to the delivery of material very much worse than at the present time. The forgings, the steel plates, and the various other special work that will be furnished the shipbuilder by the different subcontractors will be affected in two ways by this bill; first, by the fact (if they can produce the material under its provisions) that the time of its production will be increased universally in the ratio of the working hours of the mechanic. In the next place there is sure to ensue a long line of difficulties due to questions as to whether or not this law has been violated.

In comparing the conditions existing in the shipyards of this country with those of England, it may be of interest to the committee to say a few words on the questions of the hours of labor and the cost. At the William Cramp & Sons yard we make a week of fifty-five working hours. On the other side, where a nine-hour day is nearly universally in force in the shipyards, the time is practically the same. On the other hand, the wages that we pay are simply far above those paid in Great Britain. Where our average weekly wage for the employee in our yard will vary from \$12 to \$13, there it runs from \$8 to \$8.50. That is a difference of nearly 50 per cent that we pay for practically the same number of hours, and I found upon inquiry from a number of the different builders over there that the conditions in the different yards were nearly the same. In one yard that was doing an especially high class of work, their wages might run a little higher; in another, where only tramp steamers were being built, it might run a little lower, but those figures are close averages and will only vary slightly from one place to another. Moreover, these wages are the average earnings per week; they can not be divided by the number of days in the week as an average per day. Of course, there is a good deal of time lost and it is difficult to state how the amount lost in England compares with what our workmen lose in our own yards, but it is probably not materially different.

Mr. HAYDEN. The rates of wages which you are comparing are those of the common or unskilled labor?

Mr. POWELL. Those are the average rates for the entire employees of the plants.

Mr. HAYDEN. Including the apprentices?

Mr. POWELL. Yes. As I say, you can not divide by six and say that the average wage is \$2 per day, for instance, at our plant, because the average man hardly works more than five days per week, so that a nearer average of the wages per day would be \$2.50.

That brings me to the first subdivision of what I would like to say to you, and that is as to the practicability of this bill. Naturally, the first question that the shipbuilder would ask himself upon reading it is, can a ship be built under the provisions of this bill, and I believe

that it can only be answered as at present written, that it is absolutely impossible. The bill provides that in case of extraordinary emergency the laboring man and mechanic can work more than eight hours, and probably if we could interpret that clause to our own satisfaction it would be perfectly possible to build a ship. I may just state a few operations in detail that could not be carried out under this law.

Take, first, the boring of a cylinder or the boring of a casing for the steam turbines that are now being fitted. While the roughing cuts could be stopped at any particular period, say, when the machinist doing the work had completed his eight hours, when it comes to the finishing cut that is absolutely impracticable. As the tool travels over the surface of the work it becomes heated itself, and the cylinder in its neighborhood also becomes heated, which causes a certain amount of expansion of both metals. As soon as the tool is stopped of course both the tool and casing will cool down, and when the machine is again put in operation there is a high spot that is perfectly apparent. It varies, of course, with the size of the work and the characteristics of it, but it is perfectly apparent where this stop took place. On these fine-finished jobs a spot of that sort is not admissible; it not only would not be accepted by the various inspectors who have to pass the work, but we would not permit it in our work where we ourselves were the judges of what was right.

Another case that might be cited is the machining of a crank shaft, that is the shaft upon which the engine works to operate the propellers. If the machine in which this shaft is being turned was stopped, if this stop came upon one of the bearings, it would be very sure to cause trouble. When the vessel is on the trial trip it only takes a cinder from the stacks, perhaps, or the most insignificant bit of grit in one of those bearings, to cause the greatest trouble. A little heat makes more, and before one has more than time to realize what is going on, particularly in the turbine work, the trouble has become very serious.

Another case that might be cited is the machining of turret tracks. The 12-inch turrets on one of our vessels weigh about 500 tons, and they are carried on what is practically a big roller bearing. The rollers are in the forms of cones made out of the highest grade of nickel steel, and it is imperative that that track should be as nearly perfect as human ingenuity can make it. It is made of a steel casting in sections, and after it has been bolted on to the structural work it has to be machined in place. The face of this track upon which the rollers bear is in the neighborhood of 20 inches wide, and to make the finishing cut across that will take very much more than ten hours. One finishing cut does not do it. We often take one finishing cut after another on that track for two weeks before we can get one that comes close enough to being true to get that turret accepted. It is not at all an uncommon thing for the temperature variations to throw the turret out enough to reject it. In one case a rivet fire close to one side of the turret caused enough deformation to make us do the work over again. To ask any contractor to stop his work on that track at the end of eight hours, or even to put a second shift of men on to continue the operation, would simply be asking the impossible. The second shift of men would not know exactly how the tool was working, how fast it was wearing, be sufficiently familiar with those conditions to insure getting the cut right, and instead of

taking, perhaps, two weeks to get a good cut it is impossible to say whether it would ever be done.

In connection with the docking and repair work, of which a considerable amount is done by the Cramp Company, the men themselves are extremely anxious for overtime work. It is a most usual request, when a rush job is brought to the yard, for the men to be allowed to work overtime, and a good many men will ask for employment, and if they are told there is no overtime they simply get out; they have no use for that work. Those men want to make all the money they can, and they want to get as much work as they can, and of course this bill would absolutely prohibit our doing any work of that class in connection with our Government vessels.

Another case where the limitation to eight hours would work a great hardship would be in the handling of large weights, particularly those to be placed on board ships. We have for this purpose a large floating crane, which is a rather unwieldy structure to move. Sometimes, when the tide is running in the wrong direction, it will take a couple of hours to move it less than the distance of our water front. The time necessary to sling and hoist the heavy pieces runs also into the hours, and the time necessary to land them is more or less an indefinite quantity. Once these pieces are lifted it is impracticable to put them down until they are in place, unless the entire day's work is to go for nothing, and with an eight-hour limit, unless these cases were construed under the clause relative to emergencies, it would be practically impossible to do a good part of this handling.

There is another case that we meet, particularly in ship work, and that is the case where we have to rush certain parts to catch up. For instance, the delays spoken of above will result in a certain part of the ship getting considerably behind. When the missing article is received, then it becomes necessary to concentrate on that particular spot and bring the work there along up to where it should have been if the delay had not occurred, and that naturally means working not only more men but more hours in order to get our work out in reasonable time. We have to do a great deal of overtime from this cause.

The trial trips of Government vessels also are another example of work that can not be carried on on an eight-hour basis. With the ship at sea, she must naturally be taken care of, both night and day, and to take three complete sets of men would be a practical impossibility.

Of course, the argument may be urged that the *Connecticut* was built at the New York Navy-Yard on the eight-hour basis, but there are a number of points to be considered in connection with the construction of that vessel. In the first place, the Government had the great and undoubted advantage of being its own inspector, and of interpreting the emergency clause as it existed in the law of 1892 to fit the requirements of the case. I have no doubt that that was done with the best of judgment and for the very best interests of the Government, and I have also no doubt that work was carried on beyond eight hours per day, that probably the inspectors at our yard would not permit.

Mr. HAYDEN. That is, there was no emergency?

Mr. POWELL. That is, there was no absolute emergency such as is defined by law; that it was a matter of manufacturing necessity, but not emergency.

Mr. NICHOLLS. Could you cite any instance to the committee in which that occurred?

Mr. POWELL. No; I can not.

Mr. NICHOLLS. You can not speak with definite knowledge?

Mr. POWELL. I can not speak with definite knowledge on the subject.

Mr. EMERY. Perhaps the building of the war ship by the Government under those conditions was an extraordinary condition.

Mr. POWELL. Perhaps it was.

Mr. HAYDEN. You do know, as a matter of fact, that that did occur in the construction of the *Connecticut*?

Mr. POWELL. I can not say from my own knowledge that I know that to be a fact—no; I can say that I know it must have been a fact.

Mr. HAYDEN. As a naval constructor?

Mr. POWELL. As a naval constructor.

Mr. NICHOLLS. That is your opinion?

Mr. POWELL. I can further state that, having served at the New York Navy-Yard as one of Admiral Bowles's assistants for some time, considerable of work was done in 1901 and 1902 that certainly could not be interpreted as emergency work. The dry dock would be used when it was desirable to get ships out to make way for other ships. Boilers might be cleaned in overtime, because it was not desirable to shut down the plant on the next day. Cylinders would be bored out, the finishing cut would be taken, running into overtime, because it was a manufacturing necessity. But none of these cases are such emergencies, as I understand, as are included within the limits of its application.

The CHAIRMAN. You say you know some manufacturing necessity. Just state in the record what the facts known to you are that convinced your mind that it must have occurred.

Mr. POWELL. I can again cite the cases that I have alluded to above—that the finish cuts on the cylinders could not have been made within eight hours; that the finish cut on the crank shafts could not have been made within eight hours; that they had to handle weights that they could not put on the ship within eight hours. The trial trip, I may further state, was made after the ship was in commission, and with a Government crew, so that, of course, the bill would not be applicable in that respect. But that trial trip could not have been made, if made by the yard force, within the eight-hour law.

The CHAIRMAN. From your knowledge derived from your connection with the New York Navy-Yard, you know, as a matter of fact, as I understand, that the eight-hour law is administered in the navy-yard by the naval officers as it could not be administered by a civilian in a private shipyard?

Mr. POWELL. I said that it was for two years, from 1901 to 1902, administered in a way that I interpreted would not be satisfactory under this bill.

Mr. HAYDEN. That is, as I understand you, Mr. Powell, a manufacturing necessity. The matter of material convenience in manufacture was treated by the constructors at the Brooklyn Navy-Yard as an emergency within the meaning of the act of 1892?

Mr. POWELL. Exactly, and it was the proper way to treat it.

Mr. PAYSON. In your judgment?

Mr. POWELL. In my judgment.



Mr. NICHOLLS. Do you mean that in the case of the building of the *Connecticut*?

Mr. POWELL. Exactly.

Mr. NICHOLLS. Did you find that to be so—that part of it?

Mr. POWELL. What is that?

Mr. NICHOLLS. The case just cited by the gentleman.

Mr. POWELL. Oh, no; I think I have stated quite clearly what I know.

Mr. NICHOLLS. You began by referring to the *Connecticut*, so I understood what you said afterwards on that point was in connection with the building of the *Connecticut*, and I so understand his question to be in that direction.

Mr. HAYDEN. No, sir.

Mr. POWELL. It may be, further, somewhat illuminating to look at a few of the results in connection with the time consumed in the building of the *Connecticut* as compared with vessels building about the same time. The *Louisiana*, which was a sister ship, built at Newport News, was contracted for on the 15th of October, 1902, and the instructions to the New York Navy-Yard that the *Connecticut* would be built at that yard had gone to them even before that date, so that some preliminary work had been done there before the Newport News yard could begin. The *Louisiana's* keel was laid on February 7, 1903; she was launched on August 27, 1904, and was delivered on June 2, 1906. The *Connecticut's* keel, on the other hand, was not laid until March 10, 1903; she was not launched until September 29, 1904, and she was not completed until September 29, 1906, or a period of four months longer than the *Louisiana*. Also the *Connecticut* did not have to run a preliminary official trial until after she had been in commission, and as this will add at least one month to the period of building, there was a real discrepancy of about five months in the time. I may also cite the *Tennessee*, which was appropriated for under the same act of Congress as the *Connecticut* and *Louisiana*, and which was also a first-class armored vessel, or armored cruiser.

Mr. PAYSON. Who built her?

Mr. POWELL. She was built by the Cramp Company.

Mr. HOLDER. Mr. Powell, do you think it is fair to refer before this committee to the comparison between the building of the *Connecticut* and the *Louisiana*, when you take into consideration the delays that were in effect in the delivery of the material?

Mr. HAYDEN. To whom?

Mr. HOLDER. If you can only give the specific working time that was consumed in the construction of the *Louisiana* and the specific time in the construction of the *Connecticut*, that would make a fair comparison.

Mr. POWELL. So far as the delays were concerned, they were about equal on the two vessels in all probability, so that the comparison is still fair. Certainly, the Newport News Company had little, if any, advantage in its delivery of materials over the Government.

Mr. HOLDER. Do you not think they had an advantage in the fact that their shops and yards were thoroughly organized and that the machinery was not all installed at the Brooklyn Navy-Yard? You had all that preliminary work to do, and that time was charged against the *Connecticut*.

Mr. POWELL. I think it is an advantage that the private yard will always have over the Government yard. It will always be better

organized and better equipped to do business from the conditions that exist. Every private shipbuilder is in the fiercest sort of competition with every other shipbuilder, and the only way he can hope to survive is to keep his plant up to a standard of efficiency and the cost of his work down to a minimum, or he can not hope to be able to compete under the conditions upon which business is transacted.

Mr. HOLDER. That comparison does not hold good in Great Britain.

Mr. POWELL. I beg your pardon, it does.

Mr. HOLDER. How about the construction of the *Dreadnought*?

Mr. POWELL. The construction of the *Dreadnought* cost Great Britain in the neighborhood of 30 per cent more than they have just placed an order for a similar battle ship with a private contractor.

Mr. HOLDER. Which private contractor has this?

Mr. POWELL. The Armstrongs.

Mr. HOLDER. What hours do they work?

Mr. POWELL. Fifty-four hours a week.

Mr. HOLDER. Are you sure of that?

Mr. POWELL. I was told that they worked that long by a shipbuilder in Great Britain whom I have a right to believe.

Mr. HOLDER. How long since?

Mr. POWELL. I can not tell you.

Mr. HOLDER. How long since you got the information?

Mr. POWELL. Last May. I was speaking of the time taken in constructing the *Tennessee*, a ship built under the same appropriation as the *Connecticut* and the *Louisiana*. Her date of contract was February 9, 1903. The keel was laid June 20, 1903; she was launched June 20, 1904, and delivered July 27, 1906. That is, her time of construction was six and one-half months less than the *Connecticut* on a forty-two months contract, and if the extra month for the trial trip is allowed, that is seven and one-half months. I might add, that I do not believe, supposing the law could be literally adhered to, under the provisions limiting the hours of a man to eight hours, the *Tennessee* could have been constructed within four or five months of this time under that law.

One of the points that will naturally arise is that this time of completing the ships under the eight-hour basis can be bettered by increasing the number of men working. That is unfortunately a fallacy, when the country is in a normally prosperous condition. The number of men in the shipbuilding trades in this country is comparatively small, and the surplus to draw on is, in times of prosperity, practically negligible. I may add that a year ago the Cramp Company's yard was quite full of work. There was apparently a temporary spurt in the demand for merchant vessels, that resulted in our getting practically seven contracts in a very short time, which is more than we have had altogether since that time, and for a year our yard was crowded. We also were doing a considerable amount of other work of different classes not connected with shipbuilding. If we could have obtained machinists, we would have put our machine shops on a 24-hour basis, but it was an absolute impossibility to get the men. If we could have obtained riveters instead of running in the neighborhood of 90 to 100 gangs, as we were able to do, we would have been able, for a period of five or six months, to run 150 gangs. The same applies to nearly every trade in our yards that had to do with shipbuilding. We needed joiners, we needed painters, we needed pattern makers, we needed molders, but they were not to be

had. Therefore, under the conditions as they existed at that time, the reduction in the hours of labor from ten to eight would have meant a direct increase in the output of the yard in the same proportion.

The CHAIRMAN. Is it not necessarily economically true that there never can be more people found in any craft in the country than are required in the times of the greatest demand? In other words, that more people than are required in the time of the highest demand can not be sustained in the craft and can not stay in it?

Mr. POWELL. As I understand, the generally accepted economic principle in connection with the various economical principles is that when there is an excess of in the neighborhood of 2 per cent the conditions are about what are considered as most favorable. Beyond that the number of unemployed is undesirably large. With less than that there is not the supply to cover the shifting demand that will take care of such variations as I have spoken of. This is undoubtedly one of the advantages that the British shipbuilder has over the American shipbuilder. In Great Britain shipbuilding is, I think I may say, the principal business, both as to its standing and as to its amount. The result is that the number of men employed in the different trades is extremely large, and if this year Armstrongs' is especially busy, and if Doxford's has not much work, Armstrongs' will draw on Doxford's, and so it goes. Usually, except in very extraordinary cases, there are enough men to go around to do the work.

Mr. T. F. TRACY. Is it not true that when business is normal it is a great deal more difficult for the Cramps Shipbuilding Company to obtain employees, because of the fact that they can obtain better conditions and better wages in other localities, and when there is a depression that they can obtain all the help that they need because of the fact of the depression?

Mr. POWELL. When business is in a depression anybody can get all the help he needs. When business is normal we do not find any more trouble than is experienced by the other shipbuilders. I think there is no labor in any shipyard that is better satisfied with its conditions than that in our yard. However, I hope that our general superintendent will be before the committee at an early date, and he is intimately familiar with that part of the work and can speak to you very much more authoritatively thereon than I can.

There is another primary objection to this bill from the standpoint of any man who wishes to do anything except Government work, and that is that it is impossible to split up the employees of any one yard into two groups of labor, one of which works eight hours and the other ten hours per day. I am sure that if any two of you gentlemen were working at a machine alongside of each other, one on Government work on an eight-hour basis and one on work for a private firm on a ten-hour basis, when the eight-hour man put on his clothes to go the ten-hour man would certainly feel most discontented.

Mr. HOLDER. I thought you said they wanted to work ten hours. That seemed to be the burden of the argument by the gentlemen here before, that there was a crying demand among the men to work overtime.

Mr. DAVENPORT. Overtime for overtime pay.

Mr. POWELL. The entire question, then, comes back to the wages of these two men. If the Government man on eight-hour work gets the same rate per hour as the man on outside work, who gets ten

hours' pay at the same rate, the man who works eight hours will be most discontented on account of his pay, and the man who works ten hours will be most discontented on account of the time he works. In other words, you will have your entire shop by the ears. With reference to the question that this gentleman has just raised as to the desire of the men to work overtime, I do not remember a case where a man was offered a chance to make overtime at overtime rates where it was not accepted.

Mr. HOLDER. Only under protest?

Mr. POWELL. I did not say anything about protest, and I never in my experience had a case where a man protested.

Mr. HOLDER. I happen to have worked for the Cramp shipyard away back in 1881.

Mr. POWELL. That is a little too far back for me.

Mr. HOLDER. And I know something about the situation that existed then. I do not like to contradict the gentleman when he is making his testimony, however.

Mr. POWELL. That is hardly a fair basis on which to make a contradiction. Eighteen hundred and eighty-one is a long way back.

Mr. HOLDER. Men have developed since then; they do not want to put all their time in the shop.

Mr. HAYDEN. The conditions have changed since then, and pay has increased, without doubt.

Mr. POWELL. In the second section of the bill under discussion it is stated that nothing in this act shall apply to contracts for such materials and articles as may usually be bought in the open market.

Mr. PAYSON. Pardon me a moment, before you leave that subject. As you seem to be following it in order, may I ask you to give your opinion to the committee on the question of working any man in your yard at any given work upon any ship for eight hours and then quitting that class of work and working other hours upon other work; as to the practical possibility of that sort of thing?

Mr. POWELL. That could not be done. There are two reasons that occur to me immediately—the first is that you could not have enough work lying idle upon which you could put these men when their eight hours was up, and which would of necessity have to be waiting for them; and the second is that I do not believe you could get men to do it.

The second section of the act under consideration states that nothing in this act shall apply to materials or articles generally bought in the open market, whether made to conform to particular specifications or not. This does not exempt from the application of this act most of the material that the shipbuilder has to use. There are a few items—there are probably a good many more I have skipped—that occur to me, to which I would like to call your attention.

The most important is the ordnance and ammunition; the steel plates and shapes; steel forgings; iron castings; brass, bronze, and composition castings; linoleum; steering engines; electrical generators and electrical motors and apparatus; wire; windlasses; rubber supplies; pumps; condensers; boiler fittings; feed-water heaters; ash ejectors; bearing metals, and life buoys. All of those articles, as used on board Government ships, are manufactured especially to meet the Government requirements. They are not commercial, and, except as manufactured for the Government, they are not made at all. The result is that the shipbuilder, in providing these articles, must assume a responsibility for any violations of this law on the part

of the subcontractors who furnish this apparatus. The boilers, which form one of the large subcontracts, for instance, are one large item of the work that the shipbuilder agrees to provide. He must then purchase them from one of the manufacturers, and this manufacturer must in turn obtain the tubes and castings and various other things to make up this boiler. Each of those tubes and castings is also made to the Government requirements, but it is not a commercial requirement. It is just as special to that battle ship as the battle ship itself is special. It seems so evidently impracticable for the shipbuilder to prevent the violation of this law by the man who makes the tubes that further argument is futile. If the Government is to provide the inspectors to see that the law is carried out, it will mean an army of place holders that will be appalling, and if the shipbuilder is to do it, it will be absolutely impossible for him to estimate on the cost of the work. It would simply make every contract a gamble, and what the actual cost and what the actual penalties would be no living man could tell. I have used the boilers as one case. Almost any other item here would result in the same complications. The steering engines, or the windlass, are composed of many different parts, some of which are made to special Government requirements which are not commercial. The shafting is made of special material, and it may require special ores that are only used on this Government material. On the other hand, there are of course certain products that evidently come within the exemption of this bill, commercial lumber that would meet the Government specifications, nails and hardware that are not special to the Government ships; but probably at least 90 per cent of the material that the shipbuilder would work into the vessel would be covered by this law.

The effect of this bill on the cost of the work to the contractors, and its effect on their ability to compete in other commercial work, is also of importance. Anyone going into our machine shops to-day would see near the door a large hydraulic turbine that is being built for the Canadian Copper Company. Next to that are the bedplates for the *South Carolina's* engines, and the engines themselves in course of erection. Next to that the bedplates for the engine for a merchant ship, and beyond that various parts of the engine for a side-wheeler. Then there are the casings for some water turbines, and beyond that again the turret track for the *South Carolina* in process of machining. On the sides of the shop there are a number of hydraulic pumps for various purposes, and, possibly, parts of sugar apparatus for Cuba or for Porto Rico. I think it will be conceded that this shop must either run on the eight or the ten hour basis, and I think it will also be conceded that if it was on the eight-hour basis it would be at the ten-hour pay. That would mean an immediate increased cost of labor of 20 per cent at the present time. In our foreign turbine work for Canada we are practically on an even basis with the Swiss and the Germans, in so far as duties are concerned, and we have been able to do a very large proportion of all of this work that the Canadians have purchased. With the extra cost entailed by putting these shops on an eight-hour basis we would simply have to give up either the Government work or this lucrative export trade.

We also do a very large miscellaneous business in building commercial boilers, in building sugar apparatus, and in building miscellaneous high-grade machinery for making glass plates, and other commercial work, probably constituting in its total from one-half to

one-third of our total business, and it is certain that this would be absolutely wiped out if our yard were to conform to the requirements of this law. It would therefore become a case with us of giving up the Government work entirely and trying to extend our outside work other than shipbuilding to such an extent that the shipbuilding would be merely a side issue and would only cover construction for the private lines, or we would have to give up this outside work and trust to Government orders to live.

The question of the amount of work that any shipbuilder can depend on from the Government is most indefinite. One year the appropriation may be for six large vessels, the next year there may be none. If he is not able to take care of the amount of work during the full years, the chances are the excess will be done in the Government yards, so that it will not help at all in the lean years, and in the lean years, with no Government work to fall back on, it would be practically a case of closing his plant. It seems to me that the result of the passage of this bill would be the separating of the present shipbuilders into two classes, a certain number, probably not more than two, on an eight-hour basis, who would be able to compete for Government work, and the remainder who would struggle along without it, some of them falling by the wayside. I think, by the law of the survival of the fittest, those who remained would have to build up enough business aside from the small coasting shipping to keep their plants in operation.

The extra cost of such a system as this to the Government it is certainly hard to estimate. With only two outside bidders, and with the uncertainty in the amount of work, I should be inclined to say that the bids would be 50 to 75 per cent higher than at the present time. Personally, with the indefinite penalties that might attach, which the passage of this bill would entail, I should think that 50 per cent on present prices was a very moderate increase to allow.

This rather leads up to the question of what the passage of this bill will cost the Government. It seems a very moderate statement that the yearly sum expended that would be directly affected by this bill would be considerably over \$100,000,000, and also it seems a moderate statement to say that the increased cost would be 25 per cent. On this basis the passage of the eight-hour bill would represent an additional expenditure of about \$25,000,000 to the Government, and at a time when, in spite of the needs of the Navy, not more than two battle ships can be appropriated for from economic reasons, it seems, from the standpoint of the shipbuilder, extremely hard to justify an additional expenditure of more than \$25,000,000 for results that are, to say the least, extremely doubtful.

Mr. NICHOLLS. Could you give us an idea of about how many men doing this work for the Government by the year would be limited by this proposed law?

Mr. POWELL. I do not exactly understand your question.

Mr. NICHOLLS. Could you give us an idea of about how many men are employed on Government work of this kind whom this bill will cover, and whose work would be limited by this proposed law?

Mr. POWELL. Do you mean at the Cramp yard, or at all the shipyards?

Mr. NICHOLLS. In the country, I mean.

Mr. HAYDEN. Contractors, or subcontractors?

Mr. NICHOLLS. I mean the workmen whose time would be limited.

Mr. POWELL. You mean the shipbuilders only?

Mr. NICHOLLS. The workmen.

Mr. POWELL. Do you mean the shipbuilders' yards only, or do you mean all down the line of these subcontractors?

Mr. NICHOLLS. I mean all the laborers and mechanics under this bill who do this \$100,000,000 worth of work that you mention.

Mr. POWELL. Everywhere; I think that would be altogether too difficult a question to answer on a moment's notice.

Mr. NICHOLLS. I would not blame you for not answering, but I thought you might be able to give us some rough estimate.

Mr. POWELL. No; I have not traced back along these lines sufficiently for to give any estimate of that sort.

The fourth topic was the question of the effect of this bill on the men. As I said, a few minutes back, Mr. Mull, our superintendent, will be able to handle this topic very much better than I can myself, as he is very much more closely in touch with the mechanics and the laborers in the yard, but our experience has been, without exception, that our men were only too glad to get work as long as they could get it at a straight hourly rate, and at overtime rates for overtime, in order to make extra money. We believe that if this bill were passed, it would be very unacceptable to the workingmen in our yard—to the big majority of the workingmen in our yard, and that they would most heartily agree with us in protesting against its passage.

In general, as showing the general condition of the shipbuilding interests in this country, I would like to quote from the annual report of the Commissioner of Navigation for 1907. At page 15, under the "profits of shipbuilding," the following paragraph occurs:

Census Bulletin 81, issued in July, 1907, contains important statistics concerning the shipbuilding industry of the United States. The figures concerning steel shipbuilding are of special interest, and dispel any impression that this industry is highly profitable by virtue of the coasting laws, which restrict, except for Government purposes, trade between American ports to vessels built in the United States. The following figures are drawn from the bulletin named:

*Expenditures and Profits in Shipbuilding Industry, 1900 and 1905.*

	1900.	1905.
Salaries.....	\$1,411,863	\$2,544,297
Wages.....	16,231,311	20,809,908
Miscellaneous expenses.....	2,642,090	3,767,620
Materials.....	23,585,549	27,801,824
Total.....	43,871,413	54,723,649
Value of products.....	50,367,739	58,433,314
Difference.....	6,496,326	3,709,665
Capital.....	59,839,555	101,628,281

The figures for 1905 cover the calendar year 1904, a year of some depression in the industry, particularly on the Great Lakes, where the greater part of our steel tonnage is built. The figures for 1900 cover mainly operations for the calendar year 1899. Obviously the increase in capital is out of proportion to the increase in the value of product, attributable, as already indicated, to the fact that plants were not as fully employed in the census year 1905 as in the census year 1900. The cost of labor, materials, and other expenses entering into cost of construction in 1905 aggregated \$54,723,649, and the value of the products was \$58,433,314, a difference of only \$3,709,665. In other words the finished product exceeded by only 6½ per cent the cost of labor, materials, etc.

And I would like to call your attention here, gentlemen, to a fact—that any plant that did not set aside a sum for keeping up the plant and maintenance would certainly not last long.

Mr. DAVENPORT. Would that apply to Government work also?

Mr. POWELL. I understand that this includes all of the shipbuilding business in this country.

Mr. PAYSON. Is there not another matter to be considered, of great importance, too, in connection with Government work—that in taking a contract for an ordinary battle ship at a round figure of, say, \$4,000,000, the contractor has to take the chances of the ups and downs for the three and a half or four years that his contract runs, and hence necessitating, from a business standpoint, a larger profit than is indicated there in order to protect himself as against contingencies?

Mr. POWELL. That is very true; if a contractor figures on his material at a certain price, if he meets a rising market, it may increase the cost of his vessel 2 or 3 per cent quite easily; if he is fortunate enough to meet a falling market, he will be benefited by a corresponding amount, but it must cover the possibility of the increase if he is going to make out.

Mr. PAYSON. Before leaving that, is it not true that the average time given under Government contracts for the construction of battle ships runs from thirty-two to forty-six months?

Mr. POWELL. I do not remember any case where the contract time for a first-class battle ship has been less than thirty-four months, and I think forty-two months has been the upper limit.

Mr. PAYSON. Thirty-six and forty-two is what it is.

Mr. POWELL. As a matter of fact, the actual time of construction has run up as high as six years.

Mr. PAYSON. But I am talking about the contract which the man faces when he signs his contract.

Mr. HOLDER. May I ask there, concerning the *Nebraska*, which was built by the Morans, out on the Pacific coast, was not that four years under construction? It was obsolete at the time it was completed.

Mr. POWELL. I think you are a little optimistic; I think it was seven years.

Mr. HOLDER. I am glad that I was within a conservative basis. Was there a time limit on that?

Mr. POWELL. Yes; those ships were contracted to be built in thirty-six months.

Mr. HOLDER. Then did they violate the contract and have to suffer the penalty? Could you answer?

Mr. POWELL. I can not. Continuing, this report reads:

Again, this difference is only a trifle over 3½ per cent on the capital invested, \$101,528,251. It will be obvious to any business man that a manufacturing industry in this country can not be conducted for any length of time on the narrow margin indicated by either of these figures. Furthermore, the figures are for the entire country, and where the average excess of value over cost is so small evidently some concerns were operated at an actual loss. In the same manner the figures for the census year 1900 show that the difference between cost of labor, materials, etc., and the value of the finished products was \$6,496,326. This sum is nearly 15 per cent of the cost of labor, materials, etc., and nearly 11 per cent on the capital invested. The profit indicated is not in excess of that which an American manufacturing industry must expect, if it is to prosper and increase. If the average for the two years be taken, the profits of the industry of steel shipbuilding are manifestly sufficient only to maintain its existence, even under the prohibition of foreign competition by the coasting-trade law.



I should like to take exception to the conclusion of the gentleman who wrote that last paragraph, because the average of those two rates of earnings would not permit the shipbuilding business to exist as it is to-day. It would unquestionably mean that enough firms would have to go out of business to increase the business and profits of those who were able to survive.

Mr. HOLDER. Does not that cover the period, Mr. Powell, of the United States Shipbuilding Company that there was some notoriety about, that makes the percentage on its earnings appear to be so low?

Mr. POWELL. In 1905 the United States Shipbuilding Company, I think I am correct in saying, had been dissolved.

Mr. HAYDEN. You are correct.

Mr. POWELL. I thought it had passed out of existence.

Mr. HOLDER. Yes; but this covers the period from 1900 to 1905.

Mr. POWELL. This is the year 1905.

Mr. HOLDER. Just for one year?

Mr. POWELL. Yes; and I think that the United States Shipbuilding Company did not figure in any way in that report. There is another question that is directly affected by this bill, and that is our present standing as a maritime power, and the report of the Secretary of Commerce and Labor for 1907, on page 39, contains three paragraphs that are extremely pertinent. This report reads:

By comparison with our rank in any other of the great divisions of industrial and commercial endeavor, the position of the United States as an ocean-carrying power is insignificant. It is humble by comparison with the commercial sea power of other leading nations with which in nearly every other respect we are classed. Even in the discharge of ordinary functions of government we have put ourselves under the protection of foreign flags. Not many months ago it became necessary to dispatch a small force of American troops to Cuba; they were sent under the British flag. More recently it was decided to transfer a powerful fleet of warships from the Atlantic to the Pacific, and the coal for this fleet is under the shelter of foreign flags, a situation which could not be afforded in actual warfare. Our mails to the republics of South America are carried almost entirely in foreign steamers, and to Australia and New Zealand they are now entirely so carried. I have alluded to the fact that in the performance of its plain duties the Federal Government had to resort to foreign agencies and foreign protection. There is not to-day another first-class power in a similar position. There is not another, I believe, which if it found itself in that position would allow such conditions to continue longer than until by sufficient expenditure they could be corrected in the shortest possible time. Such expenditures would be as clearly for public purposes as appropriations for the Army, the Navy, the Panama Canal, or the postal system.

From the messages of their Presidents and the reports of their heads of Departments for many years past the American people have become familiar with the trifling share of American vessels in our own foreign carrying trade, and with the fact that an American steamship is almost never seen in the world's seaports outside of the Caribbean and the Gulf of Mexico. Last year, for example, only 10.6 per cent of our combined exports and imports were carried in American ships; our vessels registered for foreign trade aggregated only 871,146 gross tons, a fleet equalled in tonnage and greatly exceeded in efficiency by the fleet of one great foreign shipping corporation, while any one of several foreign corporations owns more ocean-going foreign steam tonnage than the entire amount of such tonnage registered under the American flag. The situation is not satisfactory, and for some years past it has been the subject of discussion, which unfortunately has not ended in action. For many years it was entirely true that the energies of the country were so absorbed in its internal development that there was no surplus to devote to expansion of national trade and influence outside our coast lines. It is equally true that such is no longer the fact. The acquisition of insular territory, the construction of a powerful navy, and the investment of American capital abroad are all tokens of a tendency in national growth which will compel our country to become again a sea power, as it was when the Republic was only a fringe of States along the Atlantic seaboard.

Our laws relating to the merchant marine differ in two important respects from the laws of other nations. Practically without exception the laws of other nations permit

their subjects or citizens to buy ships in any market, put them under the national ensign, and employ them at least in the foreign trade. Our law restricts American registry and the American flag to vessels built in the United States. That this law is now useless as a measure of protection to American shipbuilders, so far as vessels for the foreign trade are concerned, is amply demonstrated by the fact that for years we have built practically no such vessels under that law. Millions of American capital have been invested in steamships under foreign flags engaged in trade with the United States.

As further bearing on the subject of the committee's investigation I may say that at the present time the shipbuilding business in this country is probably in as bad condition, both as to the amount of work and as to the prices obtained, as at any time in its history. This falling off of business has really not been parallel at all with the general decline in commercial business in other commercial businesses. For practically two years there have been almost no orders for new ships, aside from the Government work. It has been noticeably a fact that the prices for Government vessels, which are accessible to all, have very materially decreased, simply because the various yards have had to obtain a certain amount of work to keep from going to the wall. It therefore seems especially inadvisable, in the face of such conditions, to put the further burden upon this industry which would result from the enactment of House resolution 15651. I think that covers everything.

Mr. HAYDEN. You spoke of the working hours in British yards. Have you made any inquiries about the hours prevailing in German yards?

Mr. POWELL. I have never personally visited any of the German yards, but when in Great Britain I found that the British shipbuilders were very much distressed over the competition that they were meeting from the various large German yards, and I was told by various British builders that one of the reasons why the German competition was so severe was that they not only paid less wages, but that they worked longer hours. I can not make a definite statement as to what the exact length of the day's work in Germany is in the shipyards.

Mr. HAYDEN. Just before you close will you please tell the committee what experience you have had in naval construction, where you obtained your information, about your service in the Navy, and how long you have been connected with the Cramp company.

Mr. POWELL. My preliminary education was at the Naval Academy; I graduated from there in the class of 1897; then took a two-year postgraduate course at the Naval Academy, after which I graduated from the University of Glasgow in the spring of 1900. Then I served under Admiral Bowles and Admiral Capps at the New York Navy-Yard for two years and a half, and for four years was at the William Cramp & Sons as acting superintending constructor.

Mr. PAYSON. Under the Government?

Mr. POWELL. Under the Government, in connection with the construction of three battle ships and three armored cruisers at various times. About a year and a half ago I left the Navy to accept my present position with the Cramp company, and in that time I have been intimately associated with the various business policies, costs, and estimates of that company.

Mr. HAYDEN. Your office is assistant to the president?

Mr. POWELL. Assistant to the president.

Mr. PAYSON. I would like to ask you a question or two: How many shipyards are there now in the Union, commencing with the Bath Iron Works in Maine, which do this larger class or do any class of Government work, commencing there?

Mr. POWELL. At present there are only five yards in which Government work is under construction.

Mr. PAYSON. Just name them, please.

Mr. POWELL. They are the Bath Iron Works, Bath, Me.; the Fore River Ship and Engine Building Company, Quincy, Mass.; the New York Shipbuilding Company, at Camden, N. J.; the Newport News Shipbuilding Company, Newport News, Va., and the William Cramp & Sons Ship and Engine Building Company, Philadelphia.

Mr. PAYSON. May I add to that as bidders for that sort of work, but who do not get much of it, the Maryland Steel Company, at Sparrows Point, in Maryland?

Mr. POWELL. Yes; there are a number of other concerns who are capable of constructing the largest class of Government work, like the Maryland Steel Company, Sparrows Point, Md.; the Union Iron Works, San Francisco, Cal.; the Moran Brothers Company, of Seattle, Wash. Also there are a considerable number of smaller yards which build the smaller vessels.

Mr. PAYSON. Commencing with the Moran Brothers, as a matter of fact, their operations with the Government have been in a way unsuccessful, have they not? That is to say, the only large work they have ever attempted was the *Nebraska*, and they were short three or four years in the performance of the contract on that?

Mr. POWELL. I do not like to criticise our competitors.

Mr. PAYSON. I am not asking you to criticise them, but as a matter of history and as you understand it.

Mr. POWELL. As a matter of history, I should say that the contract, from the Government standpoint, must have been most unsatisfactory.

Mr. PAYSON. In the Union Iron Works at San Francisco, is it not true, as a matter of common knowledge, that they have practically abandoned any further attempt at doing Government work?

Mr. HAYDEN. That is not really the case.

Mr. PAYSON. I had it secondhand from Mr. Frick. What do you know about it?

Mr. HAYDEN. I had it direct that the company is now embarrassed by the labor conditions prevailing in San Francisco and can not do any work that is obtainable, but it intends to proceed with Government work if it is offered any at living figures in the future.

Mr. POWELL. It might be stated that the Union Iron Works have not bid on Government work since 1902 or 1903.

Mr. PAYSON. How many people are employed in your plant, big and little?

Mr. POWELL. At the present time there are about thirty-nine hundred employees. This varies from this lower limit—I hope it is the lower limit—up to 7,000 or more.

Mr. PAYSON. One expression which you used not very far back, speaking of the close competition as to Government work, I wish you would be a little more explicit as to that, when you say you have to bid closely and take it pretty near cost or go to the wall; just what do you mean by that?

Mr. POWELL. Every shipbuilding company has a great many fixed charges that will go on whether the yard lies idle or whether it is full of work. These are the interest on the bonds, the taxes, rentals, the salaries of its president and officers, and a number of other charges of that sort. Those must be met whether the yard is idle or whether it is busy. Also there is the working office force, a force of skilled draftsmen, of designers, and of foremen, which must be kept together. It is often, from an economical standpoint, to the advantage of a corporation to take a ship at less than the total cost when all of these above charges are figured in, to pay off a part of them and to keep this force together to be ready when the pinch is over.

Mr. PAYSON. Is it not a matter of common knowledge among the shipbuilders of the country that in the biddings that have been made for Government work in the last three or four years particularly, that particular situation has resulted in bids which, when the bids were tendered, the contractors stood a loss on the face of the papers because of this very condition and the desire to keep their men together?

Mr. POWELL. Yes, sir; that was certainly the case, particularly in the bidding of the last two years and in the bidding of 1905.

Mr. PAYSON. I speak particularly of the last three years. I know it has been so with our people.

Mr. POWELL. Yes.

Mr. PAYSON. In a general way, what would you say that the proportion of work that you do is Government work, and what proportion of it commercial work?

Mr. POWELL. As a general rule, our Government work runs more than half; I should say it would average 60 per cent. At times it might run as high as 70 per cent, and it might run as low as 50.

Mr. PAYSON. Is it not true that the Cramp people have been especially fortunate in that regard, if you can call getting Government contracts fortunate?

Mr. POWELL. I was just going to say that you were getting hold of the loaded end of the machine. The Cramp company and the Newport News company have done considerably more work for the Government than any other companies.

Mr. PAYSON. Would you not put it broader than that and say that the two yards have done more than all the rest put together?

Mr. POWELL. I think that statement would be correct.

Mr. PAYSON. And the situation which you have explained in a general way as applying to your yard also applies to all shipbuilding yards in the country, so far as you believe?

Mr. POWELL. I should say that the conditions applying to our yards would apply very closely to all of the other yards.

Mr. DAVENPORT. In your service in the Navy did you have anything to do with the making of the contracts?

Mr. POWELL. No, sir; I did not.

Mr. DAVENPORT. Do you know what meaning would be attached to the expression "open market?"

Mr. POWELL. The term "open market" has generally been used in connection with the Government department purchases to cover standard commercial articles; that is, when a purchase was made in the open market it was usually an article that the Government would use in exactly the same form as a private person. I think I used once before the example of nails. The Government has no

specifications for nails or for screws. The same screws that a man building carriages will use will do for the Government work just as well, and it is to that class of articles, I understand, the exception in the second section of the bill would apply.

Mr. HAYDEN. That is, things that would be salable in the open market?

Mr. POWELL. Exactly.

Mr. HAYDEN. Take as common an item as rivets used in ship construction. How do those employed in Government work compare with those employed in private work?

Mr. POWELL. The rivets that are used in Government work are made to special specifications; they are made of special tensile strength and of material of different elasticity from the material in commercial rivets, and they are inspected and manufactured under the Government's supervision. The net result is that they are more expensive than commercial rivets, so that in our own yard we carry two stocks of rivets, one of which has been inspected and passed by the Government, of which is this special material and is only used on Government work, and the other, which is of a different grade and cheaper, is used only for our merchant work and other commercial work. In other words, those Government rivets are not salable in the open market, because they cost too much; they are a special Government material, just as much as the battle ship is a special Government article.

Mr. HOLDER. Do you not buy them entirely from the Borden company, in Troy, N. Y.?

Mr. POWELL. No; we do not buy any of them from Troy.

Mr. PAYSON. Take the comparatively new style of engine that is being adopted in some of the constructions in the Navy; I refer now to the big turbine engines in place of a restricting engine. What is the size of the cylinder that would go into a battle ship—its internal diameter? Can you tell us?

Mr. POWELL. I should say it was about 14 feet, but I may be wrong.

Mr. PAYSON. That is just what it is—14 feet. Do you remember its length?

Mr. POWELL. I can make another guess, but I do not know whether I can do as well. I should say that the over length of that turbine is double its diameter.

Mr. PAYSON. Yes. That is all.

(Thereupon, at 3.50 o'clock p. m., the committee adjourned until Monday, February 24, 1908, at 2 o'clock p. m.)

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SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Monday, February 24, 1908.*

The committee met at 2 o'clock p. m., Hon. Kittredge Haskins in the chair.

**STATEMENT OF MR. DANIEL DAVENPORT, OF BRIDGEPORT, CONN.**

Mr. DAVENPORT. Mr. Chairman and gentlemen of the Committee on Labor in the House of Representatives, at the special request of the Bridgeport Manufacturers' Association of Bridgeport, Conn., I appear before you to express their opposition to the eight-hour bill

now pending before you and to give you the reasons therefor, which I have from time to time heard them urge in frequent conversations on the subject with their various members. Bridgeport, as you know, is a manufacturing city of about 100,000 inhabitants, situated in southwestern Connecticut, about 55 miles from New York City. Its manufactured articles are greatly diversified and are sold in all quarters of the globe, and very many of its establishments manufacture and do work for the Government. The reasons urged by them may be briefly summarized as follows:

First, work on contracts with the Government could not be kept separate from work done in the same factory by the same men on private contracts, nor would it be practicable to have different hours of service for men engaged on Government work from those engaged on private work.

Second, as no concern does Government work exclusively and the principal business of all is private work, the concerns taking Government work at the present time would be unable to bid at all for work for the Government because of their inability to operate their plants more than eight hours per day if they took Government work and they would be unable to meet competition on private work.

Third, they believe that the passage of the proposed law would be an unwarranted trespass against the individual rights of both the manufacturer and the mechanic, and the limiting of hours in the private manufacturing establishment is certainly not within the jurisdiction of the Federal Government, and could only be accomplished by a perversion of its powers to attain an end by indirection, which every person must conceive it could not do directly.

Fourth, it would prevent the workmen from earning the compensation they now earn or from increasing their earning power where they are disposed to do so by working more hours per day than those stipulated in the bill. This reduction of their earning capacity and forcible deprivation of their rights as men, it is believed, would be very much resented by them.

Fifth, the bill if it became a law would require an almost incredible number of inspectors and officials of the Government to enforce it, at enormous expense to the Government, if the same was done impartially.

Sixth, contractors would be subject to complaints which might be made from time to time without foundation and which would prove to be an unjust burden and the system would in all probability develop a huge amount of graft and bribery to the disadvantage and loss of the honest contractor.

Seventh, in the interest of competition and progress in the arts, it is highly important that manufacturers should be free to establish the hours of labor and manage their own business generally with reference to existing conditions at the time and place contracts are entered into.

Eighth, on Government contracts it is necessary to make certain deliveries at a specified time, and there are many times when delays will occur which are entirely beyond the control of the contractor, which can be made up by working overtime, holidays, etc., and save great loss to him as well as to the Government. On such occasions it is believed that the employees are always willing and anxious to work overtime at overtime pay.

Ninth, it is manifestly unfair to the manufacturer that his business should be hampered by an eight-hour law, for the reason that in many cases ten hours will accomplish one day's requirements, while eight hours will not, without an unwarranted expenditure for additional machinery and additional employees, involving perhaps an expense in floor space at an expense altogether out of proportion to the benefits to be derived.

Tenth, the purpose of the proposed bill is to make the contractor responsible for the acts of the subcontractor in a matter in no way connected with the quality or excellence of the article furnished by the latter. There is scarcely any contract which can be imagined that can be completed entirely by one contractor. The contractor is obliged, in the ordinary class of business, to purchase different parts and different materials from other manufacturers, and according to the plain terms of the bill, it reaches clear through to the remotest subcontractor, and it would be necessary to require of them that they work their men only eight hours a day. The contractor who would be responsible to the Government has no effective mode of enforcing such a requirement.

Eleventh, the bill as drawn would inflict upon manufacturers accepting orders from the Government no end of trouble and annoyance. In fact, it would be impossible for manufacturers doing general work to accept orders from the Government on account of this trouble and annoyance. Hence, it will be difficult for the Government to contract for many of its necessities. It would make it more difficult than at present to do business with the Government Departments, and it is already so difficult that the Government is deprived of the advantage of free competition.

Twelfth, it is class legislation which is claimed for the benefit of a few and is aimed at a few out of many employers. No reason is given or can be given for thus discriminating against the class of employers covered by the bill, who have embarked their capital in business and are certainly entitled to the equal protection of the laws.

Thirteenth, much of the work done for the Government is piecework. Men working by the piece are willing and anxious to work ten hours, and although men on job work might welcome an eight-hour law if it permitted overtime work at overtime pay, the proposed bill would work very unfairly against the pieceworkers.

Fourteenth, the cost of all goods manufactured under an eight-hour rule must of necessity be increased, with no commensurate return to either manufacturer or consumer.

Fifteenth, the proposed bill is so full of obscurities and uncertainties both of meaning and application that it is certain to lead to disastrous complications and litigations both between the Government and its contractors and between the contractors and their subcontractors.

I append hereto a copy of a communication sent by the Manufacturers' Association of Bridgeport, Conn., to the chairman on Education and Labor of the United States Senate, on December 13, 1902, which shows the action of the association in regard to a bill in principle the same as that now pending before this committee.

THE MANUFACTURERS' ASSOCIATION,  
Bridgeport, Conn., December 13, 1902.

Hon. L. E. McCOMAS,

*Chairman Committee on Education and Labor,  
United States Senate, Washington, D. C.*

DEAR SIR: At a meeting of this association held on the 6th instant, the accompanying resolutions were unanimously passed, same referring to the bill now under consideration before your committee limiting the hours of service of laborers and mechanics employed upon work done for the United States Government, etc.

We now respectfully transmit the same to you, and give below a list of the manufacturing concerns who are members of this association.

Yours, truly,

E. P. BULLARD, *President.*

List of members: American Graphophone Company, American Ordnance Company, American Sparkets Company, American Tube and Stamping Company, Armstrong Manufacturing Company, Automatic Machine Company, W. H. Baker, Bridgeport Brass Company, Bridgeport Forge Company, Bridgeport Machine and Motor Company, Bridgeport Manufacturing Company, Bridgeport Safety Emery Wheel Company, Bullard Machine Tool Company, Burns, Silver & Co., H. O. Canfield, Cornwall & Patterson Manufacturing Company, Coulter & McKenzie Machine Company, Curtis & Curtis Company, Eaton, Cole & Burnham Company, John S. Fray & Co., E. S. Hotchkiss, Harvey Hubbell, International Silver Company, Locomobile Company of America, A. H. Nilson Machine Company, Pacific Iron Works, N. Palmer & Co., W. G. Rowell & Co., Salts Textile Manufacturing Company, Smith & Egge Manufacturing Company, Springfield Manufacturing Company, Union Metallic Cartridge Company, Union Typewriter Company, Wheeler & Wilson Manufacturing Company.

Whereas a bill is now under consideration by the Senate of the United States which limits the hours of daily service of laborers and mechanics employed upon work done for the United States Government; and

Whereas said bill provides that no laborer or mechanic employed by a contractor or subcontractor upon Government work shall be permitted to work more than eight hours in any one day, and imposes a penalty upon such contractor or subcontractor for a reported violation of contract by himself, his agents, or his employees, and directs that the amount of penalties stipulated shall be withheld from the moneys due under said contract; and

Whereas the enactment of such a law would cause a contractor or subcontractor to suffer on a complaint which might be unfounded, and deprived of property without due process of law, when the Government would sustain no damage whatever; and

Whereas the enactment of such a law would inflict a crushing blow upon the industries of the country, as work for the Government on an eight-hour basis can not be carried on in conjunction with work on a ten-hour basis in the same establishment (the prevailing hours of labor in manufacturing establishments), and manufacturers would therefore be compelled to refuse Government work to their disadvantage and loss; and

Whereas while the bill is drawn to apply to Government work only, the intent is to use the Government as an entering wedge to bring about a general eight-hour day in all industries: Therefore be it

*Resolved*, That we The Manufacturers' Association of the city of Bridgeport, Conn., representing thirty-four establishments, having about fifteen millions of capital invested and employing about ten thousand employees, do hereby protest against the passage of the act now pending:

*And it is further resolved*, That a copy of these resolutions be sent to the Senate Committee on Education and Labor with a request that they report the bill unfavorably.

■ Mr. EMERY. In pursuing the line of evidence offered to the committee before, we have to-day several witnesses representing very large interests employed, and who are very large makers of Government contracts. They desire to present their protests to this committee and to show you the impractical requirements of the proposed contract. I will ask Mr. Andrew M. Morrison, representing the Pennsylvania Steel Company, to speak to you.



**STATEMENT OF MR. ANDREW M. MORRISON.**

Mr. MORRISON. In looking over the bill and reading it very carefully I find that it would be impossible for us to bid on Government work under those requirements. Of course, we are the manufacturers of steel, and in the manufacture of steel, of course, to reduce the ore to pig iron, you have to use a blast furnace where it is running continually. The metal is drawn from the blast furnace and taken over into the open-hearth furnaces, and the steel does not get cold until it reaches the finished state, or the structural materials or rails, whichever it might be, so it would be absolutely impossible for us to run a steel plant on an eight-hour basis. In addition to that, we manufacture steel castings, iron castings, frogs, switches, structural material for bridges and so on, and take large contracts for the manufacture and erection of both bridges and buildings, and we have done quite a little work for the Government.

Taking this bill, for instance, on the structural part of the work, where we would have a contract for furnishing a Government building, we employ in our structural department, say, a thousand men. It is necessary to run that shop economically, to run certain parts of it both day and night in order to relieve the congestion. The other part of the shop we run simply on a ten-hour basis. The Government work represents a very small percentage of our actual output, and it would be impossible for us to take that work, classify it in the shop, and keep the hours of the men different on the different grades of work. In addition to that, where we do take a contract, it is necessary for us to go out in the open market to buy certain things which we do not produce, such as stone and building material of various qualities, and this bill makes it obligatory on our part to see that they do not violate the eight-hour law, which would be impossible for us to do.

Taking it as a whole, as I said, we would simply be forced to not bid on Government work.

Mr. HASKINS. What Government contracts have you had?

Mr. MORRISON. Several years ago we furnished the arsenal building here in Washington. We furnished the Government post-office. We have a contract at present, but unfortunately I can not say just where it goes, but I am personally interested in the bridge department; that is, I have charge of the structural shops in which we manufacture merely bridges and buildings; but the company also takes contracts for steel, which they furnish to other people, or customers.

Mr. HASKINS. When you run a shop day and night, that is, twenty-four hours in a day, what hours do you have?

Mr. MORRISON. We have a ten and three-fifths hours day for five days in the week and on Saturday a five-hour basis, making our total fifty-eight hours. Our night turn runs twelve hours a night and five nights a week, making sixty for the night and fifty-eight for the day.

Mr. HASKINS. Just two relays instead of three?

Mr. MORRISON. Yes; two relays instead of three. It is frequently necessary, and we find the men court it, the working of overtime—that is to say, there are certain tools which make it necessary to work additional hours to get out the work quickly. We give a premium to the men for overtime, and it is desirable for the men, as well as for ourselves, to make that additional time.

Mr. EMERY. When you spoke of your firm doing a small percentage of Government work, you meant as direct contractors, did you not?

Mr. MORRISON. I meant as direct contractors.

Mr. EMERY. Is it not a fact that you do a great deal of work as sub-contractors, in furnishing structural iron and steel to go into public buildings?

Mr. MORRISON. I will explain that we make, possibly, 3,000 tons of steel a day at Steelton. At Sparrows Point, where they furnish shipbuilding, they furnish an equal amount, making in all 6,000 tons of steel a day. Of course, in our sales department they go in for all classes of business, and of course they would bid for structural material in addition to furnishing work for Government ships.

Mr. EMERY. Do you do any work for the Panama Canal?

Mr. MORRISON. We have done quite a bit of work for the Panama Canal. We have furnished a good many rails for them, and a good many castings, and we are continually doing more or less of Government work. But as I explained, we would not be able to bid on it under those conditions.

Mr. EMERY. Is the structural material which you make as sub-contractors matter that can be bought in the open market?

Mr. MORRISON. The Government contracts are so rigidly drawn and so peculiar in their construction that it is all special steel. The Government is especially rigid about the steel that goes into its work and it is all specially made. It is impossible to buy it in the open market. In fact, I think there are very few manufacturers of steel who care to make Government steel.

Mr. EMERY. Would you, then, undertake to make, under the stipulations of the contract provided in this bill, as a subcontractor, and supply structural iron or steel on an eight-hour day without overtime on the subject-matter of strictly Government contracts?

Mr. MORRISON. We could not do that, because that is a matter over which we would have no control at all. We would have no control over subcontractors, and yet we would be liable for the fines they would be liable to.

Mr. EMERY. Would you as a subcontractor?

Mr. MORRISON. No, not at all. I look upon that bill, I would almost say, as a prohibitory measure from the view of a manufacturer on work. It would make it extremely difficult for the Government to make contracts under those conditions, and I think it would narrow itself down to only a few minor shops who would dare to undertake that class of work.

Mr. HASKINS. If I should become a subcontractor of your concern, you could insert such a provision in my contract, could you not?

Mr. MORRISON. If you were willing to assume that, but I think there are very few who would be willing to assume it. Of course we could incorporate that in our contracts, but I question whether you, as subcontractor, would be willing to assume such a risk.

Mr. NICHOLLS. Then you could maintain control in that manner of the subcontractor?

Mr. MORRISON. I am afraid not.

Mr. NICHOLLS. Not by a contract?

Mr. MORRISON. You understand the contract, when it comes to a matter of law, depends entirely upon the interpretation of the contract, and if you have had any experience with lawsuits and so on,

you know what a difficult matter it is. We would not willingly assume those risks, in the first place, as a contractor.

Mr. HASKINS. In other words, you would want a pretty good bargain if you did?

Mr. EMERY. How many men does the Pennsylvania Steel Company employ?

Mr. MORRISON. We have about 10,000 at the Steelton plants and about a like amount at the Sparrows Point. I would say that about 20,000 men are engaged at our plants, and possibly 5,000 on the outside, in the erection of work. For instance, in the building of this Blackwells Island bridge, which we are just finishing at New York, we must have 500 men locally, just in the erection of that work. So, at times, our construction forces in the field are almost as large as our forces in the shops.

Mr. HASKINS. Your men work on a ten and twelve hour basis?

Mr. MORRISON. Yes; but these ten-hour men also make considerable overtime, and we pay our mechanics time and a half during the week and double time for Sundays.

Mr. HASKINS. Is there any complaint on the part of your workmen as to the hours?

Mr. MORRISON. The difference is they court that overtime; that is, when they are paid liberally for their overtime, they are very anxious to make it.

Mr. HASKINS. Yours, then, is an open shop?

Mr. MORRISON. Entirely so. We would not dare to run it under any other conditions. I think it is a great mistake to compel the manufacturer to say whom he shall employ and how much he shall pay the employee. It simply makes it almost impossible to run a shop. We are strictly an open shop; yes, sir.

Mr. NICHOLLS. Have you any contracts with the men at all as to what you shall pay them?

Mr. MORRISON. We have fixed rates for almost all the work in our shops, in each department. For instance, in making steel we pay them so much per ton, both in the production in the furnaces and in the rolling of the material; and to come down to the shops proper, we pay the men so much per hundred for punching holes, and so much for assembling a piece of work, and so on right through the shops; we make an incentive for the men doing the work, and of course as they do increased work they get increased pay.

Mr. NICHOLLS. Do you do it by contract?

Mr. MORRISON. The men know that a certain amount of work constitutes a day's work, and so if they do a double amount they get double pay.

Mr. HASKINS. About what are the earnings per day or per month?

Mr. MORRISON. I would say the average wages of our shopmen are about \$12 a week—\$2 a day. That is about an average pay. Of course our lowest wages are \$1.50 for our laborers, on a ten-hour basis.

Mr. HASKINS. And some of your skilled laborers make more?

Mr. MORRISON. Yes; they make more, but the average is about \$2 a day.

Mr. NICHOLLS. Do you have a schedule of prices?

Mr. MORRISON. We have a regular schedule of prices that the men know what they are to receive for the day's work, and each day we

give to the man his earnings for the previous day. Each morning the man gets a slip telling what he has earned for the previous day.

Mr. HASKINS. How often do you pay?

Mr. MORRISON. Twice a month. We find the premium basis for the payment of our men has done very much to increase the wages and also to increase the output of the shop; it works, of course, both ways.

Mr. NICHOLLS. "The premium"—I do not quite understand that.

Mr. MORRISON. The premium basis is the same as piecework; that is, a man is given eight hours to do a certain amount of work. If he does it in four hours, then his premium amounts to the other four hours.

Mr. NICHOLLS. Then if he does not exceed that amount, his wages remain at \$2. If he does it in four hours, then you give him a certain amount per item for the work he does over that amount?

Mr. HARRISON. Yes; over the amount set for the day. We pay him his minimum wages whether he gets what he was expected to do or not. If we assign him to do work in eight hours and it takes him twelve, we pay him for the day just the same.

Mr. EMERY. The Pennsylvania Steel Company, I thought it might not be clear to the committee, are not only manufacturers of structural steel, but they are also contractors of it, are they not?

Mr. MORRISON. Oh, yes; we take contracts for bridges. That is to say, for the furnishing of the steel, the fabrication of the steel in the shop, and the furnishing of the work complete. For instance, if we take a contract for a large bridge we have to figure on the masonry so much, flooring so much, railing so much, and everything complete. It makes us go out into the market for subcontracts.

Mr. EMERY. You let subcontracts yourselves in erection and you take subcontracts from larger contractors, manufacture steel for their erection?

Mr. MORRISON. Yes, sir; in the contracts for bridges very often it is desirable to have erection done by outside parties; in other contracts it is desirable to do it ourselves. We have a large erection force of our own, but in addition to that we also make erections by contracting with outside people.

Mr. HASKINS. You were saying awhile ago that when you heat your material it had to be run right along to become a finished product?

Mr. MORRISON. Yes, sir; from the time that you put your ore into your blast furnace your blast furnace never goes out, and you simply reduce your metal in your blast furnace to the molten state, it is tapped out, poured into the ladle, and then converted into Bessemer steel or poured into an open-hearth furnace, and it is rolled out in the shop for plates or whatever it might be. So your material never gets cold from the time it goes into the blast furnace until it comes out in the finished products. The blast furnace runs continually, and your open-hearth furnace is the same way.

Mr. HAYDEN. How long a time does the heating of metals in blast furnaces occupy, generally?

Mr. MORRISON. I would not like to say this officially, because I am not, of course, a blast-furnace man, but the blast furnace is tapped about every four or five hours, possibly; the furnace is tapped depending entirely upon the character of the furnace and condition of the

furnace, and so on. You understand you can not hold your furnace back; you must keep on adding to your furnace, and keep on tapping from below, and your furnace must not be allowed to get cool, because the metal will solidify and you can not tap it from below.

Mr. HAYDEN. In a process of that kind what would be the effect of shifting the men engaged in conducting the work; what would be the risk?

Mr. MORRISON. It might be possible, but you understand that a man might come in just when the tap was being drawn; it would be impossible for the next man to come in just at that moment. Each man has to bring his heat down to a certain point, and then tap his furnace, and it would be impossible to change at that period.

Mr. HAYDEN. The change would imperil your product and your furnace, too?

Mr. MORRISON. Yes, sir.

Mr. HASKINS. In other words, from the moment you pour your ore into the blast furnace you have to keep hustling right along until the product comes out; a new relay can not come in and take up that work?

Mr. MORRISON. I would not say a relay could not come in, because they do come in, for your blast furnace runs along from month to month and you do change regularly.

Mr. HAYDEN. But you have to choose the time to change?

Mr. MORRISON. Of course there are times when the things overlap; you could not stop exactly at 5 or 8 o'clock; you might go over ten or fifteen minutes; you could not stop right on the moment. It is like a man when the whistle blows, with his hammer up, he must bring his hammer down.

Mr. PAYSON. How long have you been connected with the Pennsylvania Steel Company?

Mr. MORRISON. Four years.

Mr. PAYSON. Running back for the last two years, say, what have been the relations between your corporation and your employees as to amicable conditions?

Mr. MORRISON. I would like to go a step farther, if you would allow me.

Mr. PAYSON. Allow you to do anything; we want to understand this, just as you do it.

Mr. MORRISON. I was with one concern twenty-seven years; that is, from the time I was 14 up to four years ago.

Mr. PAYSON. What was that concern?

Mr. MORRISON. That was the Edgemoor Bridge Works. I was with them for twenty-seven years, starting, of course, at the bottom, and I was shop manager. At that time, of course, my experience was all from the shop experience. I am not talking from the office or the manufacturer's point of view, but I am talking from the practical observation of the running of our shops. At our shops we never recognized organized labor in any shape. We did not discriminate; we did not care whether a man was a union man or not, so he did his work according to our rules. We never had a strike with our men. If a man had a grievance, we tried to listen to what the trouble might be, and we never had any trouble at all in coming to a satisfactory arrangement between our men and the company. For the last four years, during which I have been with the Penn-

sylvania Steel Company, my experience has been practically the same. As the shop manager, I treat directly with the men, and we have the same practice now; while you might call it an open shop, a man does not have to sign an agreement with us that he will not become a member of an order. We do not discriminate there as to what the man is or might be. We simply hold that he must strictly conform to the rules of our company and we reserve the right to do with him as we think the merits of the case require.

Mr. PAYSON. And control your own business?

Mr. MORRISON. We certainly have to, or give up the business.

Mr. HASKINS. You do not require that a man must be a Democrat or a Republican, a Methodist or a Baptist?

Mr. MORRISON. No, sir; we leave that to the discretion of the man, what he is or may be, but we do demand that he must give us a fair return for a fair day's wages.

Mr. NICHOLLS. Has there never been any question raised as to whether the company has influenced the men in regard to political matters?

Mr. MORRISON. I can not say whether there has or not; I have never known it to be so.

Mr. EMERY. You mean you never knew that charge to be raised?

Mr. MORRISON. I never heard the question raised in our shops as to whether a man should be a Democrat or a Republican.

Mr. HASKINS. When you hire a man you do not ask him as to his politics, or his religion, or whether he is a Mason or an Odd Fellow?

Mr. MORRISON. No, sir.

Mr. NICHOLLS. Has the company never collected from the men for campaign purposes or otherwise?

Mr. MORRISON. I never heard such a charge being made against either company I have been in; I have never heard such a question ever raised.

Mr. NICHOLLS. I will ask you again; you mentioned that in your dealings with the men you have gotten along very nicely for those years?

Mr. MORRISON. It has not been a bed of roses; I will say nicely, though.

Mr. NICHOLLS. In those matters do you make definite contracts with the men in a body?

Mr. MORRISON. Oh, no; we treat each man as an individual. Every man sits on his own bottom, and he must simply produce the goods or we get rid of him as soon as possible and put a man in his place.

Mr. NICHOLLS. Do I understand you right, that the company makes out a schedule of prices and wages, and when anyone comes for employment that he is supposed to accept this fixed rate of the company?

Mr. MORRISON. We simply have a classification governing the rates for the different characters of the work, and if a man comes to me for a job I try to size him up the best I can, whether he is a dollar-a-day man or a two-dollar-a-day man, and I put him where he belongs.

Mr. NICHOLLS. Then you have no hard and fast list of prices for a day's work?

Mr. MORRISON. Well, we do have; yes, sir. We find that a man on a certain machine can do a certain amount of work in a certain

amount of time. It has been figured out from several years' work, and we exact of that man at least that much work before he earns a premium over his day's wages. If he can not earn the premium, we try to find a man who can, and we never have any trouble in finding a man.

Mr. NICHOLLS. They must earn a premium?

Mr. MORRISON. Not "must;" there are certain characters of work that a man can not earn a premium on and we do not expect it, but a rule they do.

I might just say, in addition to what I have said, that we find our premium men average from 15 to 20 per cent above their regular day's wages in the year; each man earns about that much in addition to the way we rate him.

Mr. EMERY. While you are on that subject, what do you pay your men in the erecting department per day, on an average?

Mr. MORRISON. Our erectors we pay 50 cents an hour—\$4 a day for eight-hours' work. That is the most hazardous work we have to do. The erector has all kinds of risks to run, and that is the highest labor we have, and the erector's pay is about 50 cents an hour, what we pay for a regular bridge erector; but there are men working with erection gangs who are not erectors; they are simply helpers—men we take to assist the erectors and do work that is not really erecting work.

Mr. EMERY. Carrying tools, bolts, and so forth?

Mr. MORRISON. Yes; we run from \$3 to \$5 a day.

Mr. PAYSON. One thing further. Have you ever known, in all your experience, with either the Pennsylvania Steel Company or the company preceding it with which you were connected, of any substantial objection on the part of your employees to the principle of overtime pay?

Mr. MORRISON. No, sir.

Mr. PAYSON. On the contrary, what has been your universal experience?

Mr. MORRISON. On the contrary, our universal experience has been that we have always tried to keep men from working overtime; that is, they are so anxious to make an extra day that it is up to us, as a rule, to say, "Hold on; do not work so long. We think ten hours a day is all you can do and do well." They would work fourteen hours a day and be glad to, in order to get the increased wages.

Mr. PAYSON. You notice in these bills there is an absolute prohibition as to overtime?

Mr. MORRISON. Yes, sir.

Mr. PAYSON. Now, in your judgment, would that provision as to overtime work be opposed by any substantial portions of your employees?

Mr. MORRISON. I would say as a unit they would be opposed to it.

Mr. NICHOLLS. Would you be willing to agree with them if they favored it?

Mr. MORRISON. Favored what?

Mr. NICHOLLS. If your men said as a body that they favored an eight-hour day?

Mr. MORRISON. Do you mean to say would we be willing to stop our machines at eight hours a day?

Mr. NICHOLLS. If your men, on the contrary, would state that they were favorable to it?

Mr. MORRISON. I do not see how we could work on an eight-hour basis and compete with people working ten or twelve hours.

Mr. NICHOLLS. Then, as far as your action is concerned, it would not make any difference whether the men were in favor of it or not, and I simply raised this question because you said your men would be a unit.

Mr. MORRISON. That is only my judgment. That is very broad; I ought to modify that, and say a great majority would be.

Mr. NICHOLLS. At the same time you were taking the position of representing their sentiments here.

Mr. MORRISON. I merely talk from my experience in thirty years handling men in the shops.

Mr. NICHOLLS. That is your department?

Mr. MORRISON. Yes, sir.

Mr. NICHOLLS. Just another question. How many shifts are there in your place?

Mr. MORRISON. Two. We have ten hours for a day's work and twelve hours for a night's work.

Mr. NICHOLLS. That would be twenty-two.

Mr. MORRISON. Twenty-two hours; but I want to add that out of a thousand men whom we employ, about eight hundred and fifty to nine hundred are the ten-hour men. We simply have one hundred on the night force. They are simply on the machines that have to work double time in order to keep the shop working along economically.

Mr. NICHOLLS. Where does the two hours' time come in?

Mr. MORRISON. That is lunch hour between shifts. The night men quit work at 6, the day men commence at 7; there is an hour to get the machines oiled, go over the tools, and so forth. Then a half hour at noon; then a half hour at midnight, between the shifts. Of course, the men stop to get their lunches, to get the tools in shape.

Mr. EMERY. To make it clear, when you speak of there being a ten or a twelve hour day, you refer exclusively to the manufacturing department?

Mr. MORRISON. Oh, the erection has only an eight-hour basis.

Mr. DAVENPORT. Assuming that this bill became a law and you did did take a contract, with the supervision and inspection of the work and keeping track of it, doing eight-hour work and ten-hour work side by side, would it be practicable without an enormous number of inspectors?

Mr. MORRISON. I would say we could not do it at all.

Mr. DAVENPORT. How many men would it require, do you suppose, on the part of the Government in your shops to see?

Mr. MORRISON. In the first place, I want to state that in the making of steel you could not do it at all, because your steel is made in a continuous process; that is, in the making of your steel that is prohibitory, you could not do it at all; and in the working of your shops, you take a piece of work and set it on a machine that is to work twenty-two hours; you would simply have to let that machine stop, that is all, or let somebody else come in to relieve it.

Mr. DAVENPORT. Who would keep track of all these men and each man, whether he was working overtime or not?

Mr. MORRISON. I do not see how we could; I do not think we would undertake to do it. I think we would simply try to get along without Government work. It would simply mean, in my judgment, that a



few small concerns would undertake to do that work, and simply run exclusively on the eight-hour basis.

Mr. EMERY. Speaking for the Pennsylvania Steel Company as a result of your understanding of the meaning of this bill, in your opinion would they undertake, as contractors or subcontractors, under a penal stipulation, to fulfill the stipulations of such a contract?

Mr. MORRISON. I do not think our president would ever seriously consider a contract under that bill. That is my judgment.

#### STATEMENT OF MR. JAMES BAIRD, OF WASHINGTON, D. C.

Mr. BAIRD. I represent the George A. Fuller Company, building construction. We have an office in the Munsey Building. It has only been in the last three or four years, you might say, that the Fuller Company has bid on Government work. The policy of the company used to be to handle private contracts only, but within the last two or three years our working office has taken up the bidding on Government work. We have had innumerable inquiries to bid on Government work, so a year or so ago we started to bid on Government work, and we have three Government contracts now, amounting to six or seven hundred thousand dollars. One is the Freedmen's Hospital building, at Sixth and Pomeroy streets, and we are doing this naval hospital building down at Norfolk and also the McKinley Manual Training School of the District and Government together.

In case we had a law of this kind before us it would put us out of business as far as the Government is concerned. We could not possibly bid on Government work under those conditions, and from a practical point of view I do not see how any other building contractor could do the same thing, unless he confines himself exclusively to Government work, and of course that would limit his business very materially. As I think the matter over, there are many complications in connection with it in the building business, which is made up of the bidding on innumerable small items. You can look right around the room here and see them. You take, for instance, a marble mantel or electric fixtures, woodwork, or steel such as we buy from the Pennsylvania Bridge Company. In a Government work of this kind, with every one of those materials on an eight-hour basis, we would have to put these people under bond to have their men work only eight hours. Then we would have to have inspectors there to see that they did it, and it would be a practical impossibility. You could not watch every piece of material that went into a building. You would have to have inspectors on the stone and dynamos and plumbing fixtures, and it would take more money to see the law carried out than it would take to build the building, because it takes a great while to build a dynamo, for instance.

That is not a very large item, and yet you would have to watch to see that it was made on an eight-hour basis. Most of the big concerns turn out a great amount of these small materials, and I do not believe there is one of them that works on an eight-hour basis. So, from a practical point of view, again, I am sure they would not want to change their shops and I do not know where we could go for our materials. Every man who manufactures, from whom we buy for

Government work, would either have to change a portion of his shop or else he would have to cut that off his list, and we all know what they do; they cut that off their list, because it is only a very small portion of their business and it would resolve itself into a very small amount of business simply to take care of the Government work.

Mr. PAYSON. That is to say, that the amount of business which any one of these manufacturers of subordinate things has, relative to the entire output, is so small that there would be no inducement for them to do the work?

Mr. BAIRD. Not at all. There would be only small shops springing up, very naturally, working short hours and doing Government work. They would put the price away out of sight.

Mr. NICHOLLS. You mentioned something about the danger to the contractor in the subcontractor's working the men overtime. The fine, I think, is \$5 a day per man?

Mr. PAYSON. That is for each offense.

Mr. NICHOLLS. Could you not, in the contract made with the subcontractor, place him under sufficient bonds to guarantee that, although you would be made the responsible party, you could collect from him?

Mr. BAIRD. The people we buy of, I do think, would not be willing to put themselves under bond for such a small amount of work. I am sure that they would say they did not care for the order, and providing they did care for the order and we put them under bond, under such a law as this it would be such an unusual thing that the chances are that there would be a great tendency to overlap it and not carry it out, and if we wanted to be sure that it was enforced, to save ourselves from fines it would be necessary for us to have someone to see that it was carried out.

Mr. NICHOLLS. Is there not, ordinarily speaking, enough of confidence between business men for one to believe that another will live up to his written word as well as his spoken word, or more so. Can you not trust each other?

Mr. BAIRD. Yes; I would not say that the manufacturers would deliberately do that, but it would be very much out of the ordinary from his line of business, and the chances are that there would be a very great tendency not to carry out that provision.

Mr. NICHOLLS. Suppose you were a subcontractor and you agreed to take this work, and of course one provision was that your men must not work more than eight hours. Would you violate that provision?

Mr. BAIRD. I would not want to say that I would, but if I were a large manufacturer supplying such materials the chances are that I would not want to change my shop or any of the men working in my shop to such an extent. That is out of the ordinary run of the business.

Mr. PAYSON. In other words, you would not take that order?

Mr. BAIRD. No; I would not take the order.

Mr. DAVENPORT. Just on that point, the job might be a \$500 job and the fines might amount to a thousand. For any man who works more than eight hours it is \$5. If there were 100 men, it would be \$500. How could you protect yourself by withholding any of the contract price? The fines might be more than the stipulated price that you were to pay.

Mr. BAIRD. I do not believe it could be done. You could not protect yourself, and from the Government's point of view it would be absolutely impossible for them to see that the provisions are carried out. Suppose you put an inspector in every man's factory in the United States; you could not tell whether he was making a dynamo or a mantel for a private individual or for the Government. You would have to have an inspector who knows about the work that goes into every Government job, and he would have to watch each particular piece of work. It would be absolutely impossible for the Government to carry out the provisions of the bill.

Mr. EMERY. Illustrate to Mr. Nicholls the difficulties that you refer to, by giving him approximately the number of subcontracts you have to make in some one structure.

Mr. BAIRD. In a large building we usually have in the neighborhood of forty subcontracts. Then, in addition to that, we will buy materials, especially for the building which would be covered by this bill, probably from fifty others, and any one of those pieces of machinery, like, for instance, an elevator or a dynamo or a certain plumbing fixture, might take from three to four months to get out, and it would have to be inspected by the Government for that length of time.

Mr. NICHOLLS. Is it your idea that all those parts, everything furnished for this work, is to be governed by that eight-hour clause?

Mr. BAIRD. No; it was my impression that it was simply the materials that were made especially for that building.

Mr. NICHOLLS. Under special order?

Mr. BAIRD. Yes, under special order. For instance, like a mantel, like that one. The architect would design you a mantel with certain ornaments on it; that mantel would come under this law.

Mr. HASKINS. Because you could not go into the open market and buy it?

Mr. BAIRD. No; you could not go into the open market. Everything that goes into a building, like cement and brick, you could buy, but most of the things for a building of high character, like a Government building, are on special orders; the steel, the stone, and all of the machinery that goes into it, all of the woodwork and electric fixtures and plumbing fixtures are made especially for that building.

Mr. HAYDEN. That is, certain things are not made for the general trade, the character of fixtures, the steel work, that the Government demands?

Mr. BAIRD. I would there go farther than that; whether the Government demands it or not, in any building it is almost universally made special. The fixtures for every building were made to suit the architecture of that building; the hardware is made with a certain finish to correspond with the finish of the woodwork, and it is all designed specially. You could not go into the open market to buy electric fixtures or any of those materials for a building of such a character.

There was one point I wanted to make about the men under the eight-hour law. Under one of these Government contracts we are just finishing, out here at the Freedmen's Hospital, we had to construct that, of course, under the eight-hour law, and during all the first part of the building it was at such a time that there was a great difficulty in getting mechanics here. There was a great demand for mechanics here a year or so ago, and of course we could only work

the men eight hours, while on all our private work—we were constructing seven or eight buildings—the men were working overtime, and we had a hard time to get men on that building, because of the fact that they could either go to our private buildings or to other buildings in town and get overtime pay, while if they stayed out there they could only work the eight hours.

Mr. DAVENPORT. Were those union men?

Mr. BAIRD. Union men and laborers. The union men, wherever they could get overtime, they would go on our other work, but the laborers we would have to hold down to eight hours.

Mr. HASKINS. If you had paid the eight-hour fellows for ten hours, you would have been all right?

Mr. BAIRD. Yes; but we could not do that.

Mr. PAYSON. What has been your experience with employees, as to their desire to make overtime work and for overtime pay?

Mr. BAIRD. My experience has been absolutely that the men are very anxious to get in every hour they can. The men are very ambitious. Overtime is a fine thing for them. We get a building which is very much of a rush job, and when we commence to put on overtime, the men will flock to that building; that is known absolutely.

Mr. NICHOLLS. You pay a premium extra, do you not?

Mr. BAIRD. Oh, yes; we have to.

Mr. NICHOLLS. Time and a half?

Mr. BAIRD. It is time and a half for a certain time, and then if it is Sundays, or holidays, it is double time.

Mr. NICHOLLS. So that overtime they put in on Sunday would mean twice as much as any other day?

Mr. BAIRD. Yes. There is one clause in that bill that seems to me would be practically impossible to enforce. That is there are times in building construction when you are in great peril; your building is in peril. Even with the union regulations, there is a clause in their agreements, one of which is that they shall not work Saturday afternoon under any conditions, but in case the building is in danger, they will waive that point and the men can work. For instance, we were building the Munsey building down here——

Mr. NICHOLLS. Who waive?

Mr. BAIRD. That is, the unions themselves.

Mr. HASKINS. In their contracts?

Mr. BAIRD. In the by-laws of their organizations. For instance, we were building the Munsey building down here on Pennsylvania avenue, and we were in a very bad condition regarding the foundations. Had we been compelled to quit at a certain particular time, the chances are that the National Theater would have fallen into a hole. Conditions similar to that, though possibly not so bad, arise very often. If this bill were a law, you would simply have to violate that law to repair your building.

Mr. NICHOLLS. Do you not know that this bill provides for emergencies?

Mr. BAIRD. I did not notice that; if it does, of course that would not hold.

Mr. HASKINS. The bill reads:

No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary events or conditions.

Mr. BAIRD. That argument should be waived then.

Mr. HAYDEN. Is it not true that some instances arise in the course of the construction of a building which you can not call abnormal emergencies, but which occur regularly in your business?

Mr. BAIRD. Yes, there are such.

Mr. HAYDEN. That make overtime obligatory?

Mr. BAIRD. Practically; there are times when you are under heavy penalties for completion, and if you do not work overtime you would be under a very heavy money loss.

Mr. DAVENPORT. Are you aware that the Supreme Court has interpreted this—that delays in getting material are not such as are covered by this language?

Mr. BAIRD. No; I did not know that.

Mr. DAVENPORT. That if your work was all thrown out of gear from delays, that that would not be such an emergency as is contemplated by the present eight-hour law; are you aware that they held that in the case of *Ellis v. United States* (207 U. S.)?

Mr. BAIRD. As far as the large builders are concerned, the practical point is that if that bill became a law they could not bid on Government work.

Mr. EMERY. Would that probably be the position, in your opinion, of your organization?

Mr. BAIRD. There is no question about it at all.

Mr. HASKINS. That is, you mean by that, unless you are prepared to adopt an eight-hour basis on all your work?

Mr. BAIRD. We have adopted the eight-hour basis, but we do not think it would be practical to force the people manufacturing materials farther down the line.

Mr. DAVENPORT. When you speak of eight hours you mean eight hours with overtime?

Mr. BAIRD. Yes, we have adopted that, but we have the eight hour under the regular eight-hour law of the Government. They do not have overtime stipulations at all.

Mr. EMERY. Let me ask you a question regarding the actual operation of the eight-hour law. Where, for instance, you are working on a building in course of construction your bricklayers, your plasterers, hod carriers, and so on, work eight hours?

Mr. BAIRD. Only eight hours.

Mr. EMERY. Do the engineers who have charge of the hoisting elevators, and so on, work only eight hours?

Mr. BAIRD. Only eight hours.

Mr. EMERY. Who gets up the steam on those machines, so that they can give a full eight-hour day, or do they themselves have to get the steam up, so that those using the hoisting elevators work less than that time?

Mr. BAIRD. What we do is to have a watchman who works a shift ahead who gets up the steam; another workingman takes care of that part of it.

Mr. HAYDEN. Your men who are governed by the eight-hour law do not work on any other building at the same time?

Mr. BAIRD. No.

Mr. HAYDEN. You do not shift them from private work to public work?

Mr. BAIRD. No; we do not.

Mr. HAYDEN. That would not be practicable?

Mr. BAIRD. No; it would not be practicable.

Mr. EMERY. With regard to your experience on a particular job, and finding it hard to keep your men working where there was not overtime, is that special or is it usually met by all Government contractors?

Mr. BAIRD. I think it is met by all Government contractors in times of prosperity in the building business.

Mr. NICHOLLS. You generally work overtime in cases of emergency?

Mr. BAIRD. Yes, sir.

Mr. PAYSON. That includes business emergencies? For instance, you can not complete a contract on time, then you appeal to the men and they help you out?

Mr. BAIRD. Very often contracts are made with the idea of working overtime. You take a large building, it sometimes takes a great deal of overtime to get that building ready.

Mr. EMERY. You take advantage of good weather conditions very frequently, do you not?

Mr. BAIRD. Yes; very often.

Mr. EMERY. Which, you understand, under this bill, would not be emergencies?

Mr. BAIRD. Very often you have your brickwork scaffold high, and you want to get up to the level before you stop, for the reason that you can be in better condition to work to advantage the following day, and we will keep the masons on an extra hour, pay them extra time. We are now paying bricklayers on brickwork at the naval hospital at Norfolk \$6 a day, and when they work time and a half it is \$9 a day. Of course, we do not do that unless other conditions intervene—unless in case of absolute emergency.

Mr. NICHOLLS. In case you wanted to work two shifts on the job, would you be unable to do that?

Mr. BAIRD. We would be unable to do it. We can do it with certain mechanics; we can do it with carpenters, for instance—usually by special permission; but with the bricklayers we could not do that at all.

Mr. HAYDEN. That is, special permission from whom?

Mr. BAIRD. From the officers of the unions.

Mr. NICHOLLS. That would be from the men in meeting?

Mr. BAIRD. Yes; the men in meeting, or their authorized representatives.

Mr. PAYSON. Of course, if this bill should become a law, that could not be done, because they could not agree to it.

Mr. BAIRD. Yes. It seems to me that there are so many complications that would arise if this bill became a law that it would be very hazardous for a contractor with a reputation to try to fulfill that law. There are so many places that he might complicate himself or get into suits with his subcontractors or become complicated on account of the law that it would be very hazardous to do Government work.

Mr. EMERY. As a matter of fact, in many of your contracts to supply particular materials or particular articles to the Government your subcontractors are at such a distance and the article is produced under such conditions that it would be humanly impossible to supervise that so as to prevent a violation of the law on the part of the subcontractor?

Mr. BAIRD. Without a question. Very often the marbles come as far as from Italy.

Mr. EMERY. The Italian quarryman would be a subcontractor?

Mr. BAIRD. Yes; and you can see you could not fulfill the law there.

**STATEMENT OF MR. JAMES L. PARSONS, OF WASHINGTON, D. C.**

Mr. PARSONS. Do you desire my opinion as to this bill?

Mr. PAYSON. Yes.

Mr. PARSONS. Mr. Baird has gone pretty well into the details. I agree with all that he has said, and my opinion is that the bill is thoroughly impracticable and would decidedly be to the disadvantage of the Government if such a bill were enacted, and would be to the disadvantage of the workmen and of manufacturers and all persons concerned, and as far as I am concerned I would not enter into any Government contract under such a law. I would not be subject to the penalties of the bill, which would be impracticable to prevent or to supervise, and I believe that most all responsible builders would look at it in the same light.

Mr. EMERY. Mr. Parsons, will you state to the committee the length of time covered by your experience as a Government contractor?

Mr. PARSONS. I have been contracting for Government work for about twenty years or more.

Mr. EMERY. And have you not contracted with the Government largely for the erection of municipal buildings in this District?

Mr. PARSONS. I now have a contract for the erection of that building.

Mr. PAYSON. What other large structures? Just go on over the city and tell what you have constructed or built.

Mr. PARSONS. For the Government?

Mr. PAYSON. No; Government and private. What experience have you had? I know you so well that I think you ought to put that in here.

Mr. PARSONS. I built an addition to the Bureau of Engraving and Printing, I built several buildings at Fort Myer, I built two buildings at the Reform School, and I have built several of the public schools in the District. In the private work I have built quite a number of apartment houses.

Mr. PAYSON. Do not forget Stoneleigh Court.

Mr. PARSONS. Yes; I built Stoneleigh Court and a good bit of private work. I am not opposed to the eight-hour system; I worked eight hours for the last twenty-five years, and have only worked eight hours, and as a system I am not opposed to it, and I believe eventually it will be universal; but at the present time there are so many of the materials entering into the Government work manufactured in factories where they do not work eight hours, and where it will be some time, perhaps, before they will—

Mr. DAVENPORT. In that connection, do you mean eight hours without any overtime?

Mr. PARSONS. Oh, no. The eight-hour day is the regular day.

Mr. HAYDEN. That is the rule, subject to variation?

Mr. PARSONS. Certainly. I often work overtime. We have to do it very often. The men are very glad of the opportunity to work an hour or so overtime, and it is practical often to do so; but there are no builders who would work overtime unless it was urgent.

Mr. HAYDEN. Mr. Parsons, where do you buy your structural steel and electrical fittings and woodwork?

Mr. PARSONS. All over the country.

Mr. HAYDEN. Do you believe that any one of those who furnish you with such things would agree to do it, being limited by a rigid eight-hour day?

Mr. PARSONS. I do not believe that it would be possible to enter into contracts for the materials necessary for the ordinary Government building under such a law—all the materials that are required and that enter into it. I am buying now ornamental iron in Minneapolis, steel in Pennsylvania and all over the country, and in the South marble. You take the quarries, and I do not believe that the Government could contract for a foot of stone, because there are no quarries in the country that work eight hours, and some of the principal quarries do not work union men. The southern quarries are open shop, in Georgia. So the bill is entirely impracticable. While I am not opposed to the shortening of the hours or to an eight-hour system, I believe that the conditions will bring it about.

Mr. PAYSON. That it will come by evolution?

Mr. PARSONS. It must come naturally. If you pass such a bill as this, you interfere with the natural requirements of business and you will do it a great injury, and consequently you would injure the workmen more than anyone else. They are the people who would suffer the most when you interfere with progress.

Mr. HASKINS. Do you not believe that a man has a God-given, a constitutional right to work just as many hours as he pleases, unless the employment is an unhealthy work?

Mr. PARSONS. I firmly believe that, sir; I believe that I have a right, or should have a right, to work as many hours as I please.

Mr. HASKINS. Of course, if it is an unhealthy occupation, then the police power of the State would recognize it.

Mr. PARSONS. And I think any law that deprives me of that right is wrong, and the conditions will regulate these things and will regulate them very much better, the natural conditions, than any law. I have worked sixteen hours a day.

Mr. HASKINS. So have I.

Mr. PARSONS. And worked hard every hour of the day, and worked piecework. It did not injure me; I felt better than I do now, when I am not permitted, on some of my work, to work my men but eight hours.

Mr. EMERY. At the time you were working sixteen hours, would you have thanked the Government to come in and forbid you to sell more than eight hours of that sixteen hours' labor?

Mr. PARSONS. No; I would have been of the opinion that my rights were imposed upon or infringed by the Government.

Mr. NICHOLLS. What would you regard as the natural evolution that will shorten the work day, Mr. Parsons?

Mr. PARSONS. The employment of machinery and the desire for more recreation, for more time to enjoy themselves, and it not being a necessity; the wages being higher, does not create the necessity to work so many hours. When I worked sixteen hours, it was necessary for me to do it. I had a family to support and the wages then were small. At that time \$2.50 a day was the highest price paid to a first-class mechanic. Now, for the same kind of work that I did, I pay



mechanics \$4 a day. Therefore it is not necessary for them to work so many hours, but there is only a small percentage of the people who care to earn more than the necessities and the commonest luxuries, but there is a percentage that desires more than that. Now, the present eight-hour law does not interfere materially with the Government work; that is confined simply to the men employed on the buildings that can be controlled, and are directly under the supervision of the employer, and nothing is manufactured—that is, to any extent. So that has not been objected to, or has not any very serious objections, only that I do not think it is right that there should be such a law. But this bill is a very different thing. It is entirely different, and would be entirely impracticable and would be decidedly against the interests of the Government and against the interests of the workingman. It would throw the Government work into the hands of the irresponsible builders and into the hands of the small manufacturers, of necessity; and this shortening of the hours must come about through natural conditions.

Mr. EMERY. May I ask you now, as a contractor, what your attitude would be toward a Government contract if this bill became a law and you were required to put those stipulations in your contract?

Mr. PARSONS. I would not enter into a contract to do Government work.

Mr. PAYSON. He has already said that.

Mr. DAVENPORT. Are you aware, Mr. Parsons, that there is great uncertainty as to whether this bill will apply to any Government building at all?

Mr. PARSONS. As I understand this bill, it limits the hours of labor in the manufacture of material entering into Government buildings.

Mr. DAVENPORT. That is certainly true.

Mr. PARSONS. Would not that interfere?

Mr. DAVENPORT. Certainly it would, and according to everybody's construction it would apply directly to work done on the building, but the bill is so drawn that it is all mixed up.

Mr. PARSONS. A bill that is mixed up, I think, would be a very unwise bill to enact into law.

Mr. PAYSON. What is the cost of the municipal building when it is completed?

Mr. PARSONS. Two million dollars.

Mr. PAYSON. What was the cost of Stoneleigh Court, completed?

Mr. PARSONS. My contract was \$760,000.

#### **STATEMENT OF MR. SAMUEL MILLER, OF THE MILLER-KOPP CUT-STONE COMPANY, OF WASHINGTON, D. C.**

Mr. MILLER. I am here not in opposition to the eight-hour law, but in opposition to the provisions of this bill regarding subcontracts. Our business is the cut-stone business. We often have contracts direct from the Government, but principally from general contractors. We have done work at Fort Myer under the general contractor, and we have done work at Washington Barracks direct from Colonel Sewell. We are doing work now for the Soldiers' Home direct from the Home. Under the provisions of this bill we become general contractors to the Government, and we would have to be responsible for all the different lines of subcontractors, reaching direct

to the quarry from us. Under the provisions of this bill, we would not accept another contract under the Government.

Mr. NICHOLLS. How many hours do your men work?

Mr. MILLER. Eight hours.

Mr. NICHOLLS. Upon what point would it injure you to have this requirement that only eight hours should be worked?

Mr. MILLER. In so far as we would be held responsible for the actions of the men in the quarries. All stone for all buildings is specially specified to be of a certain quality or grade, and after you enter into the contract you can not go out into the open market and buy it, because they want special grades of stone, and that has to be quarried out of certain quarries and to be of certain dimensions. We usually get the stone sawed in the quarries and planed, and we often sublet this work.

Mr. HASKINS. That is, the work of repairing them?

Mr. MILLER. Yes. At the present time I think the contract that we have at the Soldiers' Home we have sublet the entire work to a firm in Bedford, Ind. They are not the producers of the stone; they may saw it or not, but we would have to become responsible for the violations of this law by our direct subcontractors, also the subcontractor to that subcontractor, and so on down the line to the men who work in the quarry. The bill, in my opinion, is impracticable so far as that is concerned.

Mr. HASKINS. Do your men work overtime?

Mr. MILLER. Sometimes, but very seldom.

Mr. HASKINS. Is yours a union shop?

Mr. MILLER. Not now; it was up until last August, but we are working open shop now.

Mr. PAYSON. Whenever there is a business emergency, like completing the contract within time or any stress of weather, and all that sort of thing, do you ever find any difficulty with your employees in getting plenty of men to work overtime for overtime pay; do you ever have any difficulty?

Mr. MILLER. No, sir.

Mr. PAYSON. On the contrary, what is the desire of the men so far as your experience goes?

Mr. MILLER. I have had very little personal experience along this line, because we hardly ever run into an emergency. I only remember one, and that was more upon the desire of a party to have the building completed quickly; that was a business emergency.

Mr. PAYSON. How did it work then?

Mr. MILLER. The men worked overtime.

Mr. PAYSON. Glad to do it?

Mr. MILLER. Yes.

Mr. EMERY. Mr. Miller, are you aware of the condition that Mr. Baird and Mr. Parsons alluded to in respect to the difficulty of getting men to work in Government employment on a rigid eight-hour day, as against private employment, where there is overtime, so that the men are attracted to the private work from the Government work?

Mr. MILLER. I do not know; I have never had any direct personal experience in that way.

Mr. EMERY. You have not met that particular condition?

Mr. MILLER. No; I have not met that particular condition.

Mr. HAYDEN. You have never adopted an eight-hour basis?

Mr. MILLER. Oh, yes; we work eight hours.

Mr. HAYDEN. With overtime?

Mr. MILLER. When I say we work eight hours all the time, we work eight hours with our mechanics, but many a time in hauling stone to the building we have to work the teams longer than eight hours; we have cars to unload that must be unloaded at the time or we are liable to a penalty.

Mr. EMERY. When you say "we" do you refer to yourself or your subcontractors?

Mr. MILLER. Ourselves.

Mr. EMERY. Would the subcontractors be governed by the same provisions?

Mr. MILLER. They would be governed by the same provisions we are governed by. The railroads now want the cars not so much as they used to, and we used to have to pay a dollar a day demurrage on each car left over, and if there was a wagonload left on the car we would not stop unloading.

Mr. HASKINS. But suppose you got that last load off the car into your wagon at half-past 3 and it would take until half-past 4 to get to your works, you would have to unharness your horses right in the street under this law.

Mr. MILLER. Yes, sir; and put red lamps on the wagon; that is what we would have to do.

Mr. NICHOLLS. You would not regard the blocking up of the streets and the necessity of keeping it clear as in an emergency; do you consider it as a condition of emergency?

Mr. EMERY. Who would pass on that; who would determine it?

Mr. NICHOLLS. I am asking him what he thinks about it.

Mr. MILLER. That would not be an emergency condition, because wagons are often left on streets; there are breakdowns and other things, but it is not absolutely necessary to move them, and under the law anything that is not absolutely for the safety of the people would not be an emergency under this bill.

Mr. NICHOLLS. You would hold that the preparation of all stone would be under the limitation of this law as to eight hours?

Mr. MILLER. Yes; that is, providing that the contracts ran directly from one to the other, right down to the quarries of the stone; that is as I understand the bill.

Mr. EMERY. Is the stone which you furnish as a matter of contract ordinarily purchased in the open market, or is it a matter of special contract?

Mr. MILLER. The stone is purchased in the open market, but the dimensions are special.

Mr. EMERY. Stone has to be cut to order, does it not?

Mr. MILLER. It is special as to the dimensions.

Mr. PAYSON. When the stone is cut, it is according to blueprints with reference to that particular place?

Mr. MILLER. Plans and specifications.

Mr. HASKINS. Every stone is cut according to the specifications.

Mr. PAYSON. It seems to me, Mr. Chairman, that it is absolutely ridiculous to put a thing in the record that is of such common knowledge as that a cigar is made out of tobacco.

Mr. EMERY. I would like to ask for an additional statement from Mr. Morrison for the purpose of calling attention to the fact that the

Maryland Steel Company, a subsidiary corporation of the Pennsylvania Steel, would be equally seriously affected by the provisions of this act.

Mr. MORRISON. I thought I had covered that, but I mentioned Sparrows Point where I should have said, probably, the Maryland Steel Company. The Maryland Steel Company is a subsidiary company of the Pennsylvania Steel Company, and they employ about the same number of men that we do in Steelton, about 10,000 men, paying especial attention to shipbuilding and the rolling of steel rails, and so on, and of course we bid in the market for steel barges for the Panama Canal, or other work for the Government, and we would be affected in the same way as I spoke of the bridge department under those laws. I feel very safe in saying that our company would refuse absolutely to consider bidding under those conditions.

Mr. EMERY. Is not the Maryland Steel Company a manufacturer of barges?

Mr. MORRISON. Yes, sir.

Mr. EMERY. They are bidders for barges on the Panama Canal?

Mr. MORRISON. They were.

Mr. HAYDEN. Those are seagoing barges?

Mr. MORRISON. Yes, sir.

Mr. PAYSON. Have they not for the last four or five years—I speak from knowledge, because I have been with them—bid on the very largest class of Government vessels, war vessels, and all that sort of thing; they simply have not got them, because their bids have been higher than those of the Newport News Shipbuilding Company, the New York Shipbuilding Company, and the Cramps.

Mr. MORRISON. Yes, sir; we are in direct competition.

Mr. PAYSON. In addition to what you have already said as to the larger class of work, I would like to get into the record as to who built the *Dewey*, the great dry dock which went across the Pacific?

Mr. MORRISON. I do not know.

Mr. PAYSON. Well, it did. We were competitors for it and did not get it, but you built it and took across.

Mr. MORRISON. Of course my experience with the Pennsylvania Steel Company is almost all limited to Steelton; so therefore I am not familiar with the output of the Maryland Steel Company.

Mr. PAYSON. Representing the Newport News Shipbuilding and Drydock Company, I ask to have inserted in the record, from page 137 of the hearings before the House Committee on Labor in May, 1906, a signed statement made by the chief constructor of the navy, Admiral Bowles, with reference to this bill, or the McComas bill, as it was known at that time. I also ask to have inserted as a part of the record the statement made by F. W. Wood, president of the Maryland Steel Company, found on pages 138, 139, and 140 of the same document. Also, on page 129, the statement of Mr. W. B. Cowles, of Cleveland, Ohio, with reference to the Long Arm System, in connection with shipbuilding, and so on. Then, in the hearings before the Committee on Labor of the Fifty-seventh Congress, on page 82, is a statement of Mr. John S. Hyde, representing the Bath Iron Works and the Hyde Windlass Company, of Bath, Me., with reference to this matter, which I should like to have inserted. Also, on page 246 of the same document, a letter from the Hyde Windlass Company, which explains itself. On page 79, a letter from the treasurer and general manager of the Sterling Boiler Company.

## STATEMENT OF ADMIRAL BOWLES, CHIEF CONSTRUCTOR OF THE NAVY.

DEPARTMENT OF THE NAVY,  
BUREAU OF CONSTRUCTION AND REPAIR,  
Washington, D. C., February 14, 1903.

MY DEAR SENATOR: Complying with the request contained in yours of the 12th instant I have examined H. R. No. 3076, as reported in the Senate by Mr. McComas, with amendments, and known as the "eight-hour bill."

It does not appear from the printed reports of hearings in the Senate that any testimony has been taken on the part of the Government to indicate the effect of this bill upon the interests of the Government. I have therefore considered the bill with particular reference to the effect of its provisions upon the construction and repair of naval vessels, matters which are under my official charge, and also with regard to the effect upon the shipbuilding industry of the United States, with whose success the efficiency of the Navy is inseparably connected. The remarks which follow are confined to these considerations.

My objections to the bill are contained in the following points:

First. The exceptions to its operation, as contained in lines 18 to 23, are too vague. They will admit of a great variety of interpretations by executive officers of the Government, the manufacturers concerned, and the labor organizations. These will involve the Government in delay, expense, and form a standing invitation to strikes and labor troubles.

Second. So far as the Navy is concerned, there are certain articles, or objects, which are clearly within the operation of the law. For instance, the hulls of vessels, propelling machinery, boilers, pumps, blowers, and other special appurtenances of the machinery, windlasses, steering engines, boat cranes, ammunition hoists, ventilating blowers, dynamos, motors, means of communication, armor, guns, ammunition, all special structural material or materials for armament which can not usually be purchased in the open market and which will include structural steel, nickel steel, forgings for crank shafts, propeller shafts, rudders, turret mechanism, and a long list of other details of a similar character. The cost to the Government of all these articles will be largely increased, probably from 15 to 30 per cent of the present cost, and the time required for delivery in the same proportion.

Third. The competition for Government work by private parties will be largely diminished by the practical impossibility of simultaneous manufacture of Government and commercial work. This reduction of general competition would inevitably result in a great loss of efficiency in naval vessels, which is now promoted by commercial rivalry and the wide range of inventive talent now at its disposal.

Fourth. The inevitable tendency would be to force the Government to build its own ships, to manufacture its armor, guns, steel, forgings, dynamos, engines, and blowers in Government establishments.

Fifth. The number of inspectors and clerical employees of the Government would be necessarily increased in order to execute this act.

Sixth. The indirect additional expense ultimately caused to the Government by this act it is impossible to estimate.

Seventh. The private shipyards in the United States capable of building ocean vessels would be crippled if not destroyed by this act. These shipyards and their technical staffs have been actually built up and educated by the building of the new Navy in the last twenty years. Under the operation of this law they would be obliged either to adopt the eight-hour day, with the impracticable and drastic provisions of this act, or to give up naval work. Either of these alternatives means the practical destruction of their business under the present circumstances.

It would be easy to proceed and explain in detail under each one of these points the detailed considerations upon which these conclusions are based, and I will be prepared to do so if desired. These conclusions represent the opinions which I should have expressed in the interest of the Government if called upon to testify as to the merits of this bill, and you are at liberty to make any use of them which you may think proper.

Very respectfully, yours,

F. T. BOWLES,  
Chief of Construction, U. S. Navy.

## STATEMENT OF F. W. WOOD, PRESIDENT OF THE MARYLAND STEEL COMPANY.

Mr. Wood. Mr. Chairman and gentlemen of the committee, I come here to present very briefly certain objections to the adoption of this bill from our standpoint as shipbuilders. While we are engaged primarily in the manufacture of steel rails and billets, one of our most important departments is engaged in the building of ships for the Government and for general commercial purposes. The restrictions in

the matter of hours of labor would absolutely prohibit us from taking Government work, because we can not see our way to work men eight hours and ten hours side by side, and the commercial work will form the larger portion of our business in the future.

Again, we do not see our way, and do not consider it practicable, to assume responsibility for the numerous subcontractors with whom we have to deal in obtaining various parts of a ship which we do not manufacture—the electrical apparatus, the special types of pumps, the distilling apparatus for fresh water, articles which we can not possibly manufacture ourselves and which we believe—it is our opinion—we could not, without assuming undue risk, contract for elsewhere under the provisions of this bill. From the standpoint of the workman, and I wish to say that I have been very closely in touch with workmen engaged in various lines of iron and steel manufacture for the past twenty years, I can not believe that there is a universal demand for a restriction of the hours of labor. There certainly is a very large element which will not wish to have its profits restricted in any way; and by profits I mean the difference between earnings and expenses.

Again, in the execution of a contract, we are bound at one end by the contract in the matter of time. In the execution we have to deal with variables. Those variables are chances which we have to face in the manufacture of the various parts. For instance, attempts to make castings are frequently failures, and they have to be made sometimes two or three times, resulting in delay and making it impossible to construct the different parts of the ship on schedule. Our only way, so far as our present knowledge goes, to overcome these difficulties is to at times get our men to work overtime. It is done entirely with their consent, and they are paid at a higher rate of wages for it. This bill, as I understand it, would entirely prohibit anything of that kind.

In short, so many difficulties that seem to us to be insurmountable would result from the passage of the bill that I can only say now that it would prevent our bidding on Government work.

The CHAIRMAN. What rate of wages do you pay for overtime work?

Mr. WOOD. Our rates are substantially the same as those paid up and down the Atlantic coast. Our men are largely men who work for a time in one yard and then go to another, and move about.

A MEMBER. He wants to know the extra—

The CHAIRMAN. I ask the question in this light: It is evident from what the gentleman has said that these inevitable delays would result in an increase of cost to the original contractors.

Mr. WOOD. Yes; certainly they do. We are obliged to take chances—

The CHAIRMAN. What I mean is, assuming that the regular wages are 37 cents an hour, what rate do you pay for overtime?

Mr. WOOD. For overtime, during week days, time and half time.

The CHAIRMAN. Time and half?

Mr. WOOD. Yes, sir; and on Sundays, double time.

The CHAIRMAN. You build ships in your yard?

Mr. WOOD. Yes, sir.

The CHAIRMAN. As near as you could give the information readily, how many other contracts does the original contract for building a ship involve—that is, how many subcontracts? First, how many do you make, and then, so far as you know, how many do your subcontractors make?

Mr. WOOD. It would be impossible for me to trace beyond the contracts we make with subcontractors. I should assume—I should say that in the case of the Government vessels at least thirty subcontracts were made in which the articles contracted for—that is, subcontracted for—are specified in the original contract.

The CHAIRMAN. You, in the first instance, make probably thirty?

Mr. WOOD. I think so; probably more; at least thirty.

The CHAIRMAN. And your subcontractors make some?

Mr. WOOD. Doubtless they do.

The CHAIRMAN. You do not know how many, but have you any idea about it?

Mr. WOOD. Well, shipbuilding embraces about 37 different trades, and taking the products of 37 different trades it is very difficult to trace the ramifications. I wish to stop with the subcontractors. I do not wish to carry the argument to the point where it can be construed as *ad absurdum*.

The CHAIRMAN. I do not want to be inquisitive, but if there is no objection to stating it, about what proportion of the cost of building these ships is that which is expended in your yard; or, to state it differently, assuming the cost of the ship to be \$1,000,000, what proportion of that million do you pay away to subcontractors?

Mr. WOOD. Dependent on the type of the ship, which determines the relative proportion of labor and material, I should say 30 per cent is expended—from 30 to 40 per cent—on account of the subcontracts.

The CHAIRMAN. And that reaches at least thirty different trades?

Mr. WOOD. Yes, sir.

The CHAIRMAN. Located in different parts of the country?

Mr. WOOD. Yes, sir.

Mr. FURUSETH. You are building ships?

Mr. WOOD. Yes, sir.

Mr. FURUSETH. How many hours do you work in your yard?

Mr. WOOD. Ten hours.

Mr. FURUSETH. On the outside or on the inside, or both?

Mr. WOOD. Both.

Mr. FURUSETH. Both?

Mr. WOOD. Yes, sir.

Mr. FURUSETH. Do you know of any other shipbuilders, or do you know of any shipbuilders who work less than that?

Mr. WOOD. Not any who are engaged in a similar class of work, competing for the same class of work. I wish to say that our yard is engaged largely in the construction of cargo ships, the type of ship which corresponds to the English tramp, and the ship which we have got to depend on for the revival of our merchant trade, and in order to build which we have got to work in competition with the yards of England and Germany, and work and cut the corners as close as possible in every respect. We have at this time, I wish to say also, nearly completed the first two experimental cargo ships of large capacity, intended for general trade the world over, just as the English tramp is intended. These two ships are now under construction.

Mr. FURUSETH. You say you build tramps?

Mr. WOOD. Yes, sir.

Mr. FURUSETH. And you have to compete with England?

Mr. WOOD. And Germany.

Mr. FURUSETH. And Germany?

Mr. WOOD. Yes, sir—that is, in order to induce our people to invest in ships of that kind, we have got to make the cost of our ships near the cost of foreign-built vessels to justify their investment.

Mr. FURUSETH. Your plant is a very modern plant, isn't it?

Mr. WOOD. It has been built about—the shipbuilding department has been built about eight years, or nine years, I think.

Mr. FURUSETH. Got all modern appliances?

Mr. WOOD. Probably not all; a fair proportion of them.

Mr. FURUSETH. Do you compare favorably as to modern appliances with the shipbuilding yards on the Tyne, say, or at Glasgow?

Mr. WOOD. I should consider so, from the last and best information I have.

Mr. FURUSETH. Do you think you employ more men in the building of one vessel than would be employed on the Tyne?

Mr. WOOD. I think so.

Mr. FURUSETH. More men?

Mr. WOOD. Yes, sir; I think so.

Mr. FURUSETH. In the building of one vessel?

Mr. WOOD. I think so.

Mr. FURUSETH. In other words, the men you employ can not do as much work, then, as the English workmen?

Mr. WOOD. I think not.

Mr. FURUSETH. That would be the reason, then, that you necessarily would have to have longer hours of labor than the English shipbuilder?

Mr. WOOD. That is one reason.

Mr. FURUSETH. Do you know how many shipbuilding plants there are in this country that work eight hours on the outside?

Mr. WOOD. Not on this class of work. I do not know of any that work eight hours at all. Some work nine hours, I believe, but not on this class of work.

Mr. FURUSETH. You do repair work, don't you?

Mr. WOOD. Very little.

Mr. FURUSETH. Very little up to the present?

Mr. WOOD. Yes, sir; very little. It is almost entirely new construction which we are competing for in that class of work.

In reply to your question regarding the efficiency of the men: The difference comes chiefly from the fact that on the other side the work is largely classified, and the piece-work system is universal. Certain men work on certain types of work almost constantly. The great volume of the shipbuilding there is the primary reason for this increased efficiency. In the yards in this country up to this time it has been necessary to move our men about, working one day on a passenger ship, shortly afterwards on

a freight carrier constructed entirely of iron, and next on a torpedo boat, and they do not acquire the same proficiency in the handling of the different parts, and can not turn out the same amount of work for the same cost as they do on the other side.

Mr. McCLEARY. That is largely due to the fact that we do not build as many ships?

Mr. WOOD. That is the prime reason, and when we have a great volume of work for our shipyards that difference will gradually melt away.

Mr. McCLEARY. In fact, if you were to express an opinion, you think the American mechanic will be able to do more work rather than less when he has the same opportunity?

Mr. WOOD. I think so, but he can not when he is changing about from one type of work to another three or four times a year.

Mr. McCLEARY. He can not become an expert in any one?

Mr. WOOD. No, sir.

The CHAIRMAN. And that is a condition that does not seem to relate personally to the people on the two sides of the water?

Mr. WOOD. The same would be true of two American shipyards doing the same class of work—that is, the same difference would exist between the men of the two yards; that is, the difference is between the two sides of the water rather than—

The CHAIRMAN. It is a matter of classification of the work?

Mr. WOOD. Yes, sir.

The CHAIRMAN. And the same differences would exist here?

Mr. WOOD. Yes, sir.

The CHAIRMAN. It is a difference of volume?

Mr. WOOD. Yes, sir.

Mr. FURUSETH. Do you know the Brooklyn Dry Dock Company?

Mr. WOOD. The people who control the Erie Company?

Mr. FURUSETH. Do you know what hours they work?

Mr. WOOD. I do not. I think nine hours, however. I am not sure, but I think so. The matter of ship repairs, however, is entirely different from constructing of new work in competition with other concerns on this side and on the other side of the water. For repair work, unusual, extraordinary prices are charged, and there is not the competition, because a ship coming into port and requiring repairs must have those repairs made then and there, no matter what the cost is.

Mr. FURUSETH. The hours of labor in some of the shipyards on the eastern coast—that is, in the New York district—have been reduced in the last year, have they not?

Mr. WOOD. I do not know whether any change has been made or not. I think some of them are working nine hours, but whether that is a recent change I do not know.

Mr. FURUSETH. Have you had any call made upon you or any request from your workmen at all to reduce hours of labor?

Mr. WOOD. Certain elements in our yards did; yes. We explained the situation to them, showed them the competition that we were engaged in, and the result was that practically all the men returned to their work.

Mr. RIORDAN. If the hours of labor were reduced, then their salary per day would be reduced at the same time, would it not?

Mr. WOOD. That is right.

Mr. RIORDAN. Did they come to you and ask for a reduction of the hours of labor under this consideration, that there would be a proportionate reduction of wages?

Mr. WOOD. No; they would expect the wages to remain the same. It is equivalent to asking for an advance.

Mr. RIORDAN. An advance of wages?

Mr. WOOD. An advance of wages and also reducing the output of the yard.

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STATEMENT OF MR. W. B. COWLES, OF CLEVELAND, OHIO.

Mr. COWLES. I am vice-president of the Long Arm System Company, of Cleveland, Ohio.

Mr. NORRIS. If you gentlemen will permit an interruption—

The CHAIRMAN. Mr. Norris.

Mr. NORRIS. I spoke to the chairman and said that I would have to leave a little before 12 o'clock, as I have to be in the Supreme Court of the United States, and it will be necessary for me to go. I think, now, as it is nearly 12 o'clock.

(Mr. Norris here left the room.)

Mr. COWLES. I also represent the National Association of Manufacturers and the National Metal Trades Association. I have only a few words to say, and not in any analytical discussion of this bill.



Mr. GOEBEL. What is the Long Arm Company?

Mr. COWLES. The original cause and reason for the existence of the Long Arm System Company was to manufacture electric power doors and hatches for the preservation of ships. It now has a lot of other business besides, and it is a contractor with the Government and a subcontractor for Government work on battle ships and cruisers and for ship fittings, as well as the power doors.

I can speak for my associates, the two national associations mentioned, and say without any hesitation that those of them who are Government contractors and subcontractors will not attempt, any further than they have done already, to analyze or discuss or protest against this bill. They have protested against it strongly already. They simply will not—those of them who can possibly get out of it—continue doing Government work under any such impossible proposition. Any man who is a business man of affairs and who knows the manufacturing business would not attempt to run his work under any such impossible conditions.

He would simply cut it out and say, "Life is too short." You heard. I think you must have heard, all of you, the reasons from the manufacturers why. You have heard a lot of reasons on the other side from gentlemen who know one side of it and who undoubtedly are honest in their own opinion. But they can not see both sides of it. Now, you are doing something by this bill that will immensely increase the cost of Government work, and the people have got to pay for it. But that is only one part of it. Maybe the people will pay for it without a kick; but the manufacturer is going to withdraw largely. The result will be unquestionably that Government work by contract will be done by a very much less number of people.

The Government will not get the competition that it gets now, and the natural result will be that in every line you will have fewer manufacturers, less competition, and finally no competition, and the Government will be in the hands of a few who can charge it what they please, instead of having wide-open competition, as there is now. Government work—and I say it as a Government contractor—is not so attractive now, even, as to lead one to take on more burdens in connection with Government work. One more straw on the back of the Government contractor, and I speak feelingly, will make him cut it out.

Mr. RAINEY. Is it not true in your business, the manufacture of electrical supplies—

Mr. COWLES. Electric-power doors especially, but ship fittings also.

Mr. RAINEY. Yes. Is it not true that in that business the great factories in Germany have in the last few months adopted an eight-hour day?

Mr. COWLES. I am not sure about that, but it has not come to my mind to any large extent; very small, I think.

Mr. RAINEY. Are they not working their men on shifts eight hours?

Mr. COWLES. Let me answer right there. I think—pardon me. You go ahead and finish, and then I will answer.

Mr. RAINEY. Do you know whether the Westinghouse Company manufacture in England now?

Mr. COWLES. In a general way I do; at Trafford Park, I suppose you mean.

Mr. RAINEY. I want to ask for my own information.

Mr. COWLES. They manufacture machinery and largely trolley work and electrical work and power plants.

Mr. RAINEY. Is not it the same stuff that you manufacture?

Mr. COWLES. No, sir; it is largely different.

Mr. RAINEY. Is it not true that in the last few weeks the English branch of the Westinghouse Company has lost a contract of a million dollars in the attempt to compete with a German company manufacturing the same supplies and working on an eight-hour day?

Mr. COWLES. I do not think it has anything to do with an eight-hour day. The Germans do not win by an eight-hour day. They win by cutting the prices of the material and the labor. The material is away down, and labor is away down. It is not on account of the eight-hour day at all. They are beating the earth, but it is by cutting the prices of material and of labor.

Mr. RAINEY. I have a statement of the manager who went over to reorganize the Westinghouse Company a week ago to that effect.

Mr. COWLES. On that point, in comparing the eight-hour product in a manufactory where they build thousands of things of the same kind, and applying it to Government work and Government contracting, there is a big difference, and it does not apply at all.

This reduction of costs in manufacturing applies in fields such as trolley work, or such as railway motor cars, where there are thousands, yes, millions, of them to be made, and where they can apply such machinery. But in Government contracting work you can

not do anything of that kind, because the field is not big enough. It is comparatively small; it is always small when it comes to the machine work, and usually special.

Mr. BARTHOLDT. Do your men work by the day, or do they do piecework?

Mr. COWLES. They work by the hour.

Mr. BARTHOLDT. By the hour?

Mr. COWLES. By the hour.

Mr. BARTHOLDT. And you say that the cost to the Government would be increased?

Mr. COWLES. Undoubtedly.

Mr. BARTHOLDT. By this bill?

Mr. COWLES. Yes, sir.

Mr. BARTHOLDT. Would you not, for instance, reduce wages in proportion to the time they worked?

Mr. COWLES. I would pay by the hour. If they worked eight hours a day they would get eight hours' pay, and if they worked ten hours a day they would get ten hours' pay. You can not get something for nothing.

Mr. BARTHOLDT. How would the cost be increased to the Government under this bill?

Mr. COWLES. The cost of the labor would be increased by the reduction of the hours to a large extent on everything that was a fixed charge.

Mr. BARTHOLDT. If you pay only for eight hours, you only charge for eight hours.

Mr. COWLES. But that is only a very small part of the increased cost of that establishment of mine, even if I pay the eight-hour day and not the ten-hour day for the eight hours on Government work. See the position that it puts me in. Say that I have \$100,000 of Government contracts and \$100,000 worth of private contracts. I am forced to choose—because, as I have said to some people, I will not consider this impossible proposition of trying to do eight hours' and ten hours' work in the same place—I will have to choose between the eight-hour and ten-hour work.

Mr. HUNT. Are you working ten hours now?

Mr. COWLES. Ten hours for five days in the week the year around, and a Saturday half-holiday for the people, winter and summer.

Mr. HUNT. Working the ten hours does not involve any additional expense, does it?

Mr. COWLES. If you are a manufacturer, you know that it does involve an enormous expense, even if you do not pay for but eight hours a day for eight hours' work. Of course in every manufacturing establishment there are many men by the year, and all your fixed charges, all your overhead charges, go on, and your earning capacity is cut down by 20 per cent, and if you are a Government contractor you have got to cut out Government work, or if you are doing private work you have got to cut out the private work and do Government work purely. I do not care to discuss it. It is not a thing that is reasonable to discuss from a business man's standpoint, this question of whether or not you can do eight and ten hours' work in the same establishment, which any man must know, as a business man and a practical man, that you can not do.

Mr. HUNT. Have you not admitted that there are some men paid by the day and some paid by the hour?

Mr. COWLES. There are in every establishment.

Mr. HUNT. You are able to do that, are you not?

Mr. COWLES. Certainly. You pay a lot of them, engineers and the helping force, by the day or by the month.

Mr. HUNT. Pardon me, but my reason for saying it is that there was a time when I had men working for me, and some of them through lack of an organization did not work eight hours, and some more of them did. It was found to be practicable to get the additional hour or two from those men who were not in a position to exact the shorter hours.

Mr. COWLES. Do I understand you to say that if this bill passed, and I had the work in my own place, that I could work some of the men eight hours on this bill and then switch them for the balance of the time onto other work?

Mr. HUNT. It is not within my power or within the province of my thought to know what you are capable of doing. I simply tell you something that has been done. Men have worked ten hours in shops where a major part of them worked only eight hours for a time.

Mr. COWLES. I say that it is not a systematical thing to do, and we must run our business on systematic lines or fail.

Mr. HUNT. That, of course, is according to our own notions of what is systematic.

Mr. COWLES. There is only one notion about systematic procedure.

Mr. HUNT. You are a practical manufacturer?

Mr. COWLES. I am.

Mr. RAINEY. And understand about machinery?

Mr. COWLES. Yes.

Mr. RAINEY. Is it not true that machinery deteriorates more rapidly when it is not being run than when it is being run?

Mr. COWLES. Yes.

Mr. RAINEY. Does it not rust out more rapidly when it is standing idle?

Mr. COWLES. Yes.

Mr. RAINEY. Yes. Now, in view of the immense amount of money invested in our American plants, how does it happen that you gentlemen who are manufacturers, and who are so industriously opposing this eight-hour proposition, do not take into consideration the advisability of running your plants the whole twenty-four hours, in three shifts, as the Germans are now doing?

Mr. COWLES. My dear sir, that has been carefully considered by myself and by men who are very much more able than myself, and they have turned down the proposition because almost always the work on a machine involves and necessitates the continuous mind on the individual machine. You can not break off at 8 o'clock or at noon with Tom Jones and put Dick Robinson onto that same thing and make your plant run properly on most kinds of machinery. If you are manufacturing cement you could do it, or if you are making bricks you can do it, but not with machines.

Mr. HUNT. If Tom went on strike you would soon get Dick to take his place?

Mr. COWLES. I would do everything in my power to get the other man to take his place.

Mr. GOMPERS. You would probably have a union shop?

Mr. COWLES. No, sir.

Mr. GOMPERS. You would have a union shop instead of an open shop?

Mr. COWLES. Never, as long as you live and I am an American citizen.

Mr. RAINEY. Is it not true that the German factories within the last six months, conducting their business on the eight-hour basis, are now capturing the English markets as against our own American companies?

Mr. COWLES. My dear sir, there is no more comparison between Germany and America on the hour basis—

Mr. RAINEY. Well.

Mr. COWLES (continuing). Because you have materials, and you have the price of labor, and you have got the tariff, and how can you compare on the hour basis? Also you have got living expenses different. The two things are almost as different as night and day, and they are very different between Germany and England, and any man who tried to make these comparisons on one basis alone is going to lead himself astray, it does not make any difference how smart and how honest he is.

If he will not look at all of it, but only at one thing, he is going to come to a wrong conclusion.

Mr. BARTHOLDT. What are your men making?

Mr. COWLES. From 24 to 30 cents an hour.

Mr. BARTHOLDT. From 24 to 30 cents an hour?

Mr. COWLES. Yes, sir. Some of them make above that. The average run in there.

Mr. BARTHOLDT. Do you know what the wage in Germany is in the same line?

Mr. COWLES. I did know, and I have got the comparative tables, but I can not recall now. I would not venture to guess from memory.

Mr. BARTHOLDT. Is it as high as ours?

Mr. COWLES. Nowhere near as high for the same mechanics. The wages are less than half.

Mr. BARTHOLDT. Less than half?

Mr. COWLES. Yes, sir. I know that from my own connections in business over there.

Mr. RAINEY. Do you know what the living expenses over there are as compared with those here?

Mr. COWLES. They run very much in accordance with the difference in wages. The living expenses are very low there as compared to our living expenses.

Mr. RAINEY. Then merely the wages, taking that into consideration, are about as high?

Mr. COWLES. The amount of product or output which you can buy in Germany for a mark is not very far different from what you can buy here for 50 or 60 cents, a mark being 24 cents. No; a mark is 25 cents.

Mr. BARTHOLDT. You were right in the first place; it is 23½ cents.

Mr. COWLES. Yes, that is right; it is 24 cents. It is the 96-cent dollar, the 4 marks. Those comparisons have always been, to my observation, misleading, usually because they are made to bring out a certain result.

The CHAIRMAN. What do you mean by the different grade of living? Do you mean that you can buy as much of the same thing—that a man can live as well?

Mr. COWLES. No, sir; I mean that they live according to their traditions and the surrounding conditions that they have always been used to. I do not think that the

German machinist, for instance, lives as well and has as many luxuries as the machinist in America has. That is a part of the gain. He gets more for his living.

Mr. RAINEY. You do not mean to say that the Germans for the last several hundred years have not developed the best type of citizens, do you; the best type of men?

Mr. COWLES. That is going a good deal into statecraft, which I would not attempt to answer. I do not think that Germany has remained steadfast and backward by any means. I think that she is one of the best and most progressive countries on the earth to-day. But she does not do it by running eight-hour shifts.

Mr. RAINEY. She has just commenced that in the last six months.

Mr. COWLES. Then it is too early to draw any conclusions. You can not judge of it in six months.

Mr. RAINEY. She has captured the English contracts now.

Mr. COWLES. But she did not do it in that way. Five years ago a certain German gentleman in Hamburg was selling forgings and making money. To-day he is selling those same forgings and making them in Germany, in Glasgow. Up to five years ago they were manufactured in England and sold in Germany, and now they are manufactured in Germany and sold to England. But that is not because of the hours of work per day. There are reasons far more important than the hours of work per day which hold good and made that change. Gentlemen, I only want to say that the manufacturer's end of this thing, his view of it, is that this eight-hour bill is absolutely rotten, and will not work.

Mr. GOEBEL. To what extent are you a Government contractor—just in round figures?

Mr. COWLES. In 1904 I did, for instance, over \$600,000 worth of work for the Government. That is a small subcontracting proposition, both direct and indirect, through the shipbuilders, and—

Mr. HUNT. What was that amount?

Mr. COWLES. A little over \$600,000.

Mr. HUNT. In the last year?

Mr. COWLES. No, sir; that was in 1904. Not nearly so much in the last year. Shipbuilding has not been so much in 1905. I have switched off onto other work, and am preparing to switch off more, so that if this bill should pass I can give up Government work entirely.

Mr. HUNT. If the question is not impertinent, what proportion of your total output in that year would this \$600,000 form?

Mr. COWLES. That year it was most of the total. But before that and since that the Government work has been the minority of the total, and I hope that it will become more and more in the minority.

Mr. HUNT. Is it the severity, or the—

Mr. COWLES. It is not the severity. My training is such that I admire the martinet; but I want him to be fair.

Mr. HUNT. Which is pretty hard to find in the average inspector.

Mr. COWLES. I have known some of the inspectors who were just as fine men as ever came down the pike, and I have known others who were honest but did not know their business.

Mr. HUNT. That is true, too.

Mr. COWLES. Now, the man who does not know his business is a pestilence everywhere.

Mr. HUNT. That is true, whether he is taking Government contracts or private contracts.

Mr. COWLES. Yes. Mr. Chairman and gentlemen, I am very much obliged to you, and if you have no further questions, I have finished.

Mr. CONNER. I desire to offer a communication which I have here from Mr. O. M. Brockett, of Des Moines, Iowa, who represents the State Manufacturers' Association of the State of Iowa and the Business Men's Association of the city of Des Moines, who says that he wants to be heard. He does not say whether he is interested in Government contracts or not.

Mr. GOEBEL. I think you also got one of those communications, Mr. Chairman.

The CHAIRMAN. We have a load of applications here. I have not laid them before the committee. They ask for hearings. They do not state the nature of their interests.

STATEMENT OF MR. JOHN S. HYDE, REPRESENTING THE BATH IRON WORKS AND THE HYDE WINDLASS COMPANY, OF BATH, ME.

Mr. HYDE. Mr. Chairman and gentlemen, I represent the Bath Iron Works and the Hyde Windlass Company, of Bath, Me., and I am an officer of both companies. The Bath Iron Works are shipbuilders, and are therefore Government contractors. The Hyde Windlass Company makes auxiliary machinery for war ships, and a large part of their output is indirectly for the Government, and therefore they are subcontractors under this bill.

I wished to explain my reason for representing both of them.

We think that this bill will be a grave injury to both companies; that it will increase the cost of the product, and it will make the product cost the Government a great deal more. I agree with Mr. Davenport's testimony on that question.

In shipbuilding of course we use a very much greater diversity of material than the gentlemen who have preceded me. A ship is said to represent, when finished, about 95 per cent labor, in some form or other. There is one point I have not heard brought out. It seems to me that this bill as it reads forces any contractor or subcontractor for Government work to adopt the eight-hour basis or give up Government work. As I read the bill, it seems to say that all the employees of that contractor or subcontractor, whether engaged on Government work or otherwise, provided any part of his output is for the Government, must go on the eight-hour basis. That brings the subcontractor for the shipbuilder to the point where you tell him he must either do Government work or go out of it altogether. As everyone knows, the shipbuilder of this country does a great deal of Government work. It is a large part of their output, and by reason of doing this Government work they have been able to build up their plants, and are hoping in a reasonable time to be at the point where they are able to compete in foreign markets. They have not arrived at that point yet, and they feel that this legislation at this time will set them back a great many years in arriving at that point.

In doing Government work the contract calls for penalties for not completing the contract at a given time. It calls for penalties if the speed is not reached, and the intention of this bill is to add another penalty in case this bill is violated, with no corresponding advantage to the United States Government in any way. But, on the other hand, it can not help but add to the cost of the product. It seems to me that the Government might just as well put a bill through Congress that the Government shall pay 20 per cent more for all its purchases than the market rate for that particular product.

There is another point in connection with it, and that is this: That the time taken in doing the Government work, in shipbuilding more especially, will have to be very considerably increased—20 per cent at least, perhaps more—for this reason: In the progress of the building of the ship there is a delay, perhaps, in the receiving of a certain piece, a sternpost, for instance, which is a steel casting. Perhaps that is being machined in the machine shop before it goes out in the yard. The nonreceipt of that sternpost delays the work very much, and when it comes the men are therefore worked extra time to forward the progress of that work. We have found always that the men are very anxious to get that extra work. It increases their weekly wages. We have been accustomed to work fourteen hours on that sort of work and pay for fifteen hours, and the men have been very anxious to get it. I do not mean that is continuous; I mean that is so in an isolated instance, where it is necessary to force forward one particular part of the work in order to forward the completion of the whole thing. So I think the time of completion would be delayed at least 20 per cent on all contracts.

If the shipbuilders were brought to the point where they had to choose between doing Government work entirely or doing no Government work, the Government perhaps would be put to the point where they would be obliged to build the vessels themselves. It has been repeatedly proved that that not only costs the Government from 50 to 75 per cent more money than doing it by contract, but also that it takes from 50 to 100 per cent longer time to get the work out than when they do it by contract.

I do not presume to speak for our employees. I have talked with a few of the leading men. We have no labor organizations with us whatever. Our relations with our men have always been most pleasant in every way.

Mr. RIORDAN. May I ask a question right there?

Mr. HYDE. Certainly.

Mr. RIORDAN. There was a delegation of the employees of the Brooklyn Navy-Yard waited on the New York delegation not long ago, and they claim they can show by the facts, from some ships built in the Brooklyn Navy-Yard, that the price was con-

siderably less and the speed with which they could build them was considerably greater. Was their statement true or untrue?

Mr. HYDE. It was untrue; I have no hesitation in saying so.

Mr. RIORDAN. And they were working absolutely on the eight-hour basis; they were employees of the Government?

Mr. HYDE. Yes. The only ships built at the Brooklyn Navy-Yard within recent years and under present conditions have been the *Cincinnati* and the *Maine*.

Mr. RIORDAN. How long ago were they built?

Mr. HYDE. The *Cincinnati* was built—it went into commission about three years ago, if I remember right. The time taken to build her was very much in excess of the time set at the time bids were called for.

Mr. RIORDAN. The men in the Brooklyn yard called my attention to that. Did they have all the conveniences that other places did?

Mr. HYDE. I don't know, but I know they have them now.

Mr. RIORDAN. They claimed they did not, and with the improved and modern machinery that they can turn out the ships just as rapidly as in any other shipbuilding concern in the United States. Now, is their statement true or not?

Mr. HYDE. I should say not. We would ask nothing better than to compete with the navy-yards in building ships.

Mr. RIORDAN. I ask, then, that the employees of the Brooklyn Navy-Yard be notified to attend here with their facts on this particular point for the consideration of the committee.

Mr. BARTHOLODT (in the chair). All right, sir.

Mr. HYDE. I would say to the committee that I suppose the time taken for building ships in the Brooklyn Navy-Yard or any other navy-yard is a matter of record.

Mr. RIORDAN. Yes; but they have not the modern machinery—

Mr. HYDE. On the other hand, there are no salaries, no interest on the plant, nothing of that kind that enters into the cost of a ship for the Government; but the contractor has to meet those expenses.

Mr. RIORDAN. The shipbuilding industries pay quite large salaries to their managers and superintendents, larger in proportion than the Government pays?

Mr. HYDE. Yes; but those salaries are charged to the administrative part of the plant and to these contracts, but that does not obtain in the navy-yard.

Mr. RIORDAN. Those salaries in the navy-yard will go on anyhow, whether they are building the ships or not.

Mr. HYDE. Exactly; so they will in the shipyards.

Mr. RIORDAN. And the navy-yard has not built any ships except two. Still, those salaries have been going on; while the shipbuilding establishments have built many ships.

Mr. HYDE. During the last eight years our company has built or contracted to build 20 vessels, of which 8 were for the Government. Neither the Government work nor the merchandise work alone is enough to fill the plant to its capacity. Now, it doesn't seem to me possible to divide it and work the men on merchant work ten hours a day and on the Government work eight hours per day. The men who work eight hours a day it does not seem to me would be satisfied with a less wage per day than they are getting now. Let us say that they are getting 25 cents an hour or \$2.50 a day now for ten hours' work. It does not seem to me that such a man will be content with \$2 a day under eight hours. The tendency of the bill, it seems to me, will be that the men will get the same amount of wages per day. That is what it will lead to. That means that the men engaged on merchant work who have to work ten hours, we will say, will not be content to work ten hours for the same wage per day that their shipmates working on Government work get for only eight hours' work. So it seems to me that the tendency of the bill would be to raise the whole scale of wages by just that amount—25 per cent.

I think I have covered what little I have to say.

Mr. HERBERT. Mr. Hyde, you said that in your judgment this bill would raise the cost of labor, and consequently the price of the finished article you turned out, about 25 per cent. I want to ask you if in that estimate you have considered anything more than simply the cost of labor you put on the material at your works?

Mr. HYDE. That is all, sir. Of course I have not considered the interest on the plant, the reduced output.

Mr. HERBERT. Have you considered this material which you get, say, from the Midvale works, would have 25 per cent added to that? That would be 25 per cent on the material before it could be used.

Mr. HYDE. Yes, sir.

Mr. HERBERT. Then if the subcontractors of the Midvale Steel Company also added 25 per cent on the material they furnished, there would be another 25 per cent?

Mr. HYDE. Yes, sir.

Mr. HERBERT. So there would be, in the first place, 25 per cent additional that the Midvale company would pay, then they would add 25 per cent additional for their labor, and then you would add 25 per cent additional for your labor?

Mr. HYDE. Yes, sir.

Mr. HERBERT. So this would be very much more than 25 per cent?

Mr. HYDE. Yes, sir; it would in this way: Roughly, as far as the shipbuilder is concerned, the labor and material are about equal.

Mr. HERBERT. I do not mean to say it would run to 75 per cent; but all these things would have to be taken into consideration.

Mr. HYDE. And, on the other hand, the output would be less for the same investment, because no one claims that a machine tool, which is now run to the maximum, could produce as much in eight hours as it can now in ten hours.

Mr. HERBERT. I mean when you take the increased cost of the first material man and then the increased cost of the second material man, and consequently the double increased cost to you of the material, whether the increased cost of your finished product in the ship would not be very much more than 25 per cent?

Mr. HYDE. I should say so; yes, sir. The statement I made was, I think, that the wages would be increased about 25 per cent.

Mr. HERBERT. Is the Bath Iron Works, which is the shipbuilding company, doing any commercial work?

Mr. HYDE. Very little. We are building two large tugboats now; that is all. About 10 per cent of our work at the present time, in value, is merchant work and the balance is for the Government.

Mr. HERBERT. But it would increase the cost of doing that work?

Mr. HYDE. Very much.

Mr. HERBERT. And could you under this law, as this law applied to you and did not apply to other shipbuilders—those who are not doing Government work—compete with them for the building of tugboats?

Mr. HYDE. No, sir.

Mr. HERBERT. You would have to give that up?

Mr. HYDE. Yes, sir; unless this act had the far-reaching effect of raising wages throughout the whole trade, whether they were engaged in Government work or not. Then, of course, we would be on the same basis; but while the transition was going on we would be at a disadvantage.

Mr. HERBERT. As I understand it, you would not be able to compete with shipbuilding companies that are not doing any work for the Government?

Mr. HYDE. No, sir.

Mr. HERBERT. And consequently you would have to give up all work except Government work. Then as to the Hyde Windlass Company, are you exporting any of the products of that company?

Mr. HYDE. Yes, sir.

Mr. HERBERT. How much; to what extent?

Mr. HYDE. Well, we never have until within a few months. We have taken an order to go abroad within a few months. It is not much. We consider it the entering wedge, so to speak. It is the first order we have ever taken for export, and, as I remember it, it is about 4 or 5 per cent of the total amount of work on hand for that one company.

Mr. HERBERT. Are you hoping for a much larger amount of work of that kind?

Mr. HYDE. Yes, sir.

Mr. HERBERT. If this bill should apply to you and apply to that Hyde Windlass Works, would you expect to be able to export in competition with other countries?

Mr. HYDE. No, sir.

Mr. HERBERT. Where are windlasses principally built that your windlasses come in competition with abroad?

Mr. HYDE. In England. These are going to England.

Mr. HERBERT. And you would not expect to be able to send any more windlasses to England?

Mr. HYDE. No, sir.

Mr. PAYSON. Before the witness is turned over to the other side I think, perhaps, a fact or two does not sufficiently appear in the record. Are you able to state approximately, Mr. Hyde, about what proportion of windlasses and appliances of that character furnished to the navy-yards now are furnished by you as a subcontractor? First, you do not furnish windlasses direct to the Government, do you?

Mr. HYDE. Once in a great while, for some vessel built in a navy-yard, or in the case a windlass is worn out and bids are asked for.

Mr. PAYSON. But as a rule you deal with the article as a subcontractor?

Mr. HYDE. Yes, sir.

Mr. PAYSON. What proportion? I know you furnish our people and you furnish Cramps.

Mr. HYDE. For those in the Navy we furnish about 80 per cent.

Mr. PAYSON. That is what I thought.

Mr. HYDE. I could not say positively, but I do not think it will vary 5 per cent one way or the other. I do not wish to be understood as saying that 80 per cent of the work we furnish is for the Government. That is, of the work furnished the Government, 80 per cent is from us.

Mr. PAYSON. Yes; that was my question. That is, what proportion of that new work of such appliances as you make do you yourself make?

Mr. HYDE. About 80 per cent.

Mr. PAYSON. And that is as subcontractor?

Mr. HYDE. Yes.

Mr. PAYSON. Under the second section of this bill, if you should be brought under its provisions, is it possible for you to carry on that work on a basis of eight hours a day with your commercial work at ten hours a day in the same shop?

Mr. HYDE. I do not see how it is possible. There are a few difficulties that are surmountable in time, but it is difficult now to see how the transition could be made.

Mr. GOMPERS. Then, if the work you were doing for the Government would be upon the eight-hour basis and you could not recede from that position, would the tendency be to the general enforcement of the eight-hour workday among the other employees during your work for commercial or private concerns?

Mr. HYDE. I wish you would state that question again.

Mr. GOMPERS. I say, would not the tendency be, inasmuch as you could not work your employees more than eight hours on Government work, to the establishment of an eight-hour rule—the eight-hour workday—to the other employees?

Mr. HYDE. I should say so; yes, sir.

Mr. HERBERT. Do you mean all employees in other windlass companies?

Mr. HYDE. I understood him to mean our other employees.

Mr. HERBERT. The other employees of Mr. Hyde's company?

Mr. GOMPERS. I think I gathered that you stated you would be unable to furnish the vessels for the Government in as short a time as you are now able to do.

Mr. HYDE. Yes, sir.

Mr. GOMPERS. That is, if this bill became a law?

Mr. HYDE. Yes, sir.

Mr. GOMPERS. Were the hours of labor in your plant longer at any time than they are now?

Mr. HYDE. No, sir; never.

Mr. GOMPERS. Shorter?

Mr. HYDE. Shorter by half an hour per week only. We used to work sixty hours per week, and about four years ago we began closing down a half hour earlier on Saturday. Of course it is a small deduction, but it was made voluntarily.

Mr. GOMPERS. Has there been any hindrance in getting out vessels in as short a time by reason of that reduction of half an hour?

Mr. HYDE. It is not noticeable; no, sir.

Mr. GOMPERS. Why not?

Mr. HYDE. For the reason that the plant is being bettered constantly, and it is difficult to pick out any one influence. We are building better buildings. Fire wiped out a portion of our plant and we rebuilt that with better machinery. It is difficult to say, because there are so many other influences entering in.

Mr. GOMPERS. Of course, you understand, Mr. Hyde, that that is the position we take—that with a reduction in the hours of labor there would be a constant improvement in the method of producing these things in which you are engaged and other employers are engaged.

Mr. HYDE. You do not say that would be because of the reduction to eight hours.

Mr. GOMPERS. Attendant upon it.

Mr. HYDE. I do not quite see the connection, sir.

Mr. GOMPERS. Are you aware that last year Mr. Cramp in his testimony and argument before the Senate Committee on Education and Labor, in page 23 of the report, in answer to a question by Senator Gear, says:

"Mr. CRAMP. Yes, sir; we competed with Germany and France. The minister of finance in Russia desired that France should build those ships that we are going to take. He said France was a great holder of the Russian loan. His argument was an exceedingly good one. The French bankers came there, and the shipbuilders themselves came. They wanted a share of the Russian work, and so the minister of marine of Russia invited the friends of these bankers to send in proposals. The French wanted six months to prepare the drawings, to give the price for the ships



we are going to undertake to deliver in thirty months. We gave the price without a drawing, simply having a letter covering the general specifications, and we are going on with the work and the drawings at the same time.

"As we have our own way in the work, and no retarding inspection methods, we expect to deliver the ship in the thirty months. The French wanted five years, and the Germans and the Russians wanted more money and longer time. We secured those vessels because we could build them at a little less than they could, and in a shorter time."

What have you to say in regard to that statement of Mr. Cramp?

Mr. HYDE. It is a new question to me, sir. I had never seen that at all. I should say that Mr. Cramp probably knows what he is talking about. I am not prepared to refute it or corroborate it, because I know nothing about it at all.

Mr. GOMPERS. Are you aware about the number of hours the shipbuilders work in France?

Mr. HYDE. I am only familiar with one yard, where I spent two months, and there they work eleven hours.

Mr. GOMPERS. Longer hours than the Cramp shipyards?

Mr. HYDE. Yes.

Mr. GOMPERS. And still, in spite of that fact, the Cramps were able to deliver the ships to the Russian Government in just one-half the time the French shipbuilders did?

Mr. HYDE. I am not prepared to explain that. The ships are not delivered yet.

Mr. GOMPERS. It is just the contention which we make. Has there been any increase in wages in your plant in the past twenty years?

Mr. HYDE. Yes, sir.

Mr. GOMPERS. A material increase?

Mr. HYDE. Yes; about 10 or 15 per cent, I should say.

Mr. GOMPERS. If your company were required to build a ship upon the same basis, of the same material, of a similar class as your company did twenty years ago, would you ask the Government a higher price for the finished vessel than you did then?

Mr. HYDE. No, sir; a lower price.

Mr. GOMPERS. And still wages have increased?

Mr. HYDE. Yes, sir.

Mr. GOMPERS. I do not think I want to ask any more.

Mr. HERBERT. What is the reason of that?

Mr. HYDE. Better machinery; lower materials.

Mr. GOMPERS. So with better machinery and better materials it resulted in a reduction of the hours of labor and better wages still?

Mr. HYDE. I would like to say just one thing. While it is true, as Mr. Gompers says, that the hours of labor over a long term of years have been reduced and the wages increased, and on the other hand machinery has improved, at the same time I think those are going along parallel roads, but are in no way connected with each other.

Mr. GOMPERS. I commend to your serious consideration a study of this economical question.

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LETTER FROM THE HYDE WINDLASS COMPANY.

HYDE WINDLASS COMPANY, BATH, ME.,  
New York, January 28, 1902.

HON. CHAS. E. LITTLEFIELD,  
House of Representatives, Washington, D. C.

DEAR SIR: I have just been advised that the House Committee on Labor are intending to take up the Gardner labor bill on Thursday and a vote is to be taken on closing all arguments sometime between the middle or last of February.

This bill is one of great importance to this company, as well as to all firms in the State who are doing Government work, either as contractors or subcontractors.

Our men, so far as I can find out, are not generally in favor of such a measure, as they are only too glad to work overtime, for which they receive extra remuneration. In this company about 225 men would be affected. Were this bill to become a law it would seriously affect our business, about one-half of which is subcontract work for the Government vessels. We would be obliged to absolutely discontinue all Government work or we could not compete for merchant work, as it would be impossible to run two crews of men, one eight hours and the other ten hours.

If you can consistently do so, it would oblige us very much if you would urge the committee or such members as you can to vote against closing the argument upon the date set, as we should like time to present our case in a proper manner.

Trusting you may be able to aid us in this matter, we remain,

Yours, respectfully,

HYDE WINDLASS CO.

J. R. ANDREWS, *General Manager.*

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LETTER FROM THE TREASURER AND GENERAL MANAGER OF THE STERLING BOILER COMPANY.

Your esteemed favor of the 10th has been received, referring to bill 3076, under consideration by the House Committee on Labor. We reply to your questions as follows:

First. Outside of bookkeepers, salesmen, draftsmen, clerks, foremen, and erecting engineers who are employed to install machinery in different portions of the country, we employ in our works about 750 men. During the period that we were most actively engaged in the manufacture of water-tube boilers for the Russian cruiser *Variag* and Russian battle ship *Retvizan*, United States battle ship *Maine*, and United States monitor *Nevada*, we find that about 80 to 100 men were engaged in such work. Therefore, 88 to 90 per cent of our employees may be said to be engaged in the manufacture of boilers for other than Government use, while from 10 to 12 per cent are wholly engaged on Government work during the period we have large Government contracts on hand.

Second. There is not now, nor has there ever been, any discontent among our employees as to the hours of labor. In April, 1901, about one-half of our machinists who are members of the International Association of Machinists, attempted to cooperate with the effort that was at that time being directed by the machinists throughout the United States to secure a reduction in the number of working hours per day. The effort that our men made was not because of any feeling of discontent that they had, but was made in obedience to instructions received from their national association, and owing to the spirit of loyalty which governed the members of such associations to a greater or less degree. As a matter of fact, our records show that our machinists have voluntarily worked overtime more than any other class of labor in our employ, and that this has been entirely agreeable to them is proven by the fact that it has never been necessary to do any urging at all to induce them to work overtime.

Third. There has never been any strike of our employees on account of the length of working hours, nor has the question of the length of working days been brought up and discussed in any strike that may have been made for some other reason; nor has the question of the length of hours been discussed with our superintendent at any time by any committee representing any of our men, except in the case just cited.

Fourth. Our product consists of water-tube boilers for land and marine use. On land our boilers are used in large power plants, blast furnaces, rolling mills, electric-light plants, electric street railways, waterworks, and manufacturing and industrial plants generally. Our boilers are in use in practically every State of the Union, and are extensively sold in the Hawaiian Islands, Japan, Mexico, Brazil, Argentine Republic, Cuba, Porto Rico, South Africa, and England. Our marine boilers are in use on the Russian battle ship *Retvizan*, the Russian cruiser *Variag*, and are now being installed on the United States battle ship *Maine* and the United States monitor *Nevada*. We are now about to construct boilers for the United States battle ships *Georgia* and *Virginia*, United States cruisers *Pennsylvania* and *Colorado*, and for a cruiser of the Turkish navy. The value of a plant of boilers for a battle ship or cruiser is from \$225,000 to \$300,000, varying on the capacity and number of the boilers.

Fifth. From what has been said with respect to the number of men employed in the manufacture of our boilers for stationary and land use, as compared with the number of men employed in the manufacture of our boilers for marine purposes, it will be seen that our work in the marine department forms but a very small portion of our entire volume. Furthermore, the margin of profit on Government contracts is very small, due, first, to the high grade of material and workmanship required in the execution of all Government work, and, second, to sharp competition. It must be borne in mind that a large number of manufacturers throughout the country, the greater portion of whose product is for the general trade, are not only willing, but eager to take Government contracts at very close prices, with the idea that the pres-

tige that they will gain thereby and the advantage that will accrue to them in consequence of their product being recognized by the Government as of a high standard will result in a greater demand, at lucrative prices, for their goods by the general trade, and that consequently they will be compensated for any actual loss or loss of profit that they may sustain in the execution of Government work.

We have frequently for this reason taken contracts for boilers for the Government at prices that have actually represented no profit whatever, and we have no doubt that we will offer to do work in the future without profit for the same reason. Manifestly, then, if the bill under consideration became a law we would of necessity be compelled to withdraw from Government work, in which there is little profit at best, and which forms but a small proportion of the volume of our business, and confine ourselves to land work, in which the profit is larger, and which represents about nine-tenths of our volume.

In the consideration of this matter, we suggest that while under certain conditions and in certain employments, men should not be required to spend more than eight hours per day in hard manual labor, it does not by any means follow that the hours of work should be limited in all cases to eight hours per day, irrespective of the character of the work done, the conditions surrounding the workman, and the time actually spent by him in physical exertion. In machine and boiler shops, foundries and blacksmith and forge shops, the workmen are not by any means constantly exerting physical effort during the entire number of hours of work, whether they be eight or ten hours per day.

In a modern boiler shop high-grade machine tools and labor-saving devices play an important part, and in practically every machine shop the actual physical labor of the men engaged in operating the machine tools is not more than one hour in ten. The greater portion of his time is spent in adjusting his tools and seeing to it that they operate properly. In blacksmith and forge shops, in which it is popular to fancy that the most vigorous physical efforts are constantly directed, the actual time spent by the workmen in manual labor will not average more than five hours out of ten, for the reason that it will require at least five hours per day to heat the metal which they work, during which time they are idle.

In foundries where gray iron, malleable, and steel castings are made the time consumed in actual labor will not amount to more than seven hours in ten. The molder concludes his day's work, closes his mold ready to receive the molten iron at the time the blast is put into the cupola. The time of putting the blast into the cupola varies in different establishments, but it is usually from two to three hours before the end of the ten-hour day. The last two or three hours, then, of a molder's day are spent in seeing that his molds are filled, that his blasts are removed, and his day's work is then done. Therefore, even although the ten-hour day is in vogue at a large number of industrial establishments, it does not necessarily follow that the workmen employed in such plants are engaged in hard physical exertion during the entire ten hours of the day. On the other hand, the very nature of the work requires cessation from time to time for one reason or another, so that in consequence of purely natural conditions the endurance of the men is at no time strained.

That the rank and file of the men themselves do not desire any change is evidenced by the fact that during the past two or three years, during which all classes of manufacturing establishments have been so busy, the men have voluntarily been eager to work overtime, and in consequence earn increased wages; indeed, the disposition of our men to do this became so marked a year or two ago that we were compelled to establish a rule that we would not employ men overtime except under extreme conditions. You understand, of course, that when men work overtime they are entitled to a higher rate per hour than is paid them when they work only the usual number of hours per day.

It may be argued that the building trade is an example of the beauty of an eight-hour day. It must be borne in mind that men engaged in this class of work are more or less exposed to the elements, and the fewer number of hours' employment per day is more wearing on them than a greater number of hours per day would be on an employee working in a well-protected and well-heated shop. What is applicable to a class of men engaged in one kind of work is not applicable to men engaged in another. There may be merit in the contention that men engaged in hard physical work outdoors where they are exposed to the extremes of heat and cold, rain, snow, etc., should not be required nor permitted to work more than eight hours per day, but in manufacturing establishments, where the men are well housed in buildings that are thoroughly ventilated in the summer and well heated in the winter, and where the men, by the very nature of their employment, can not stand more than from five to seven hours per day in hard manual labor, it would be an infringement of their rights to require that they limit the number of hours during which they could earn their livelihood.

In many industrial lines the hours of work per day have been reduced as a result of modifications of conditions and in obedience to what will appear to be natural laws. Each individual case has adjusted itself in obedience to its environment and peculiarities. Take, for instance, railroad employees. Their hours vary with the class of work. The hours of a yard switching crew are twelve hours per day; the hours of the average freight crew are twelve to fifteen hours per day, while the hours of the passenger crew are about five hours per day. The freight-yard crew does more manual labor and less brain work; the freight-train crew does slightly more brain work and less manual labor, while the passenger crew does more brain work and less manual labor, and, notwithstanding the shorter hours of the men engaged in the latter work, they wear out faster than either the freight or yard crews. In rolling and steel mills for the engineers, firemen, and common laborers and such other employees whose employment requires very little brain or manual effort the day is twelve hours. The rollers, on the other hand, owing to the improved methods which have made the heating of metal practically continuous, work only from six to eight hours per day. In days gone by, when heating was intermittent, their day was almost twelve hours.

We venture to suggest, therefore, that an investigation will prove that conditions surrounding work and the character of effort required in each individual plant will more satisfactorily bring about an equitable and natural adjustment of the number of hours of work per day than can be accomplished by any legislation. Furthermore, if men were suffering in any particular plant on account of the excessive number of hours of labor in any particular class of work, they would naturally shun that plant and that character of work and secure employment in other directions.

Yours, truly,

THE STIRLING COMPANY,  
EDW. R. STETTINIUS,  
*Vice-President and Treasurer.*

(Thereupon, at 4 o'clock p. m., the committee adjourned until to-morrow, Tuesday, February 25, 1908, at 2 o'clock p. m.)

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SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, February 25, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. JAMES H. MULL, SUPERINTENDENT OF THE  
WILLIAM CRAMP & SONS SHIP AND ENGINE BUILDING COM-  
PANY, PHILADELPHIA, PA.**

Mr. HAYDEN. Mr. Chairman, Mr. James Henry Mull, superintendent of the William Cramp & Sons Company, would like to address the committee in opposition to the bill, devoting especial attention to the relations between the company and its employees, workmen and mechanics, and the terms of their employment.

Mr. MULL. In the first place, I wish to speak particularly on the impracticability of doing Government work and merchant work in the same shipyard at the same time under a restriction or under a bill that restricts the working hour on Government work to eight hours. In the first place, we have a limited river front in our particular yard. Real estate there is very costly, and we can not go farther south, because if we go to the south we go into a rolling mill, and to the north we get into the property of the Reading Railroad Company. I do not believe it would be possible to build a ship with labor working eight hours and labor working ten hours side by side. Furthermore, there would have to be a difference in the wages of workmen working

practically on the same work in the same yard, and I do not think it would be possible for us to employ labor that would work under those conditions. As our yard is somewhat different from all other shipyards in the United States, having been the pioneer shipyard, we have not got the labor-saving facilities, the overhead cranes, the inclosures, and many other devices that the more recent shipyards are now employing in the construction of Government ships, so it has been necessary for us to make our workmen, as is known to us, subcontractors. Those men work in the summer time and the season of the year where daylight will serve twelve to fourteen hours a day.

Mr. DREW. You mean by that piecework?

Mr. MULL. No, I do not mean piecework; I mean practical subcontract work. The men are on our roll as employees, but when we take the contract for a ship, for instance, the plating of a ship will begin first; there will be two workmen, two mechanics, bid on the plating of that ship in its entirety. When the weather conditions serve we do not restrict them to any hours of labor so long as they conform to the rules of the yard. They are compelled, however, to come in at 7 o'clock, stop when the whistle blows at noon, resume work when the noon hour is over and continue at least until the whistle blows for quitting at night. But they may work, however, as long as they please, that is, as long as daylight will serve, for in ship construction, it is quite impossible to work in the dark or by use of electric light. These men bid on this work and they make very big wages, and by doing that they increase our product, increase it very much, and we probably are employing as workmen in the subcontract lines, 65 per cent of the entire employees.

The CHAIRMAN. Let us get that clear, for it is an entirely new feature. You take a contract for the building of a Government ship.

Mr. MULL. Yes, sir.

The CHAIRMAN. As an illustration, you subcontract the putting on of the plates?

Mr. MULL. We subcontract in the construction of the hull; the ship in its entirety, as far as the work of construction. We will say the first thing will be the laying of the keel, then the bending of the frames, the erecting of the frames, the building of the bulkheads, the longitudinal sections of the ship, the shell plate, the decks, placing the armor on, fitting the superstructure, the building of masts, and, in fact, all the parts of a ship that come under the hull construction end of it.

Mr. HAYDEN. Please tell us, Mr. Mull, how you let these subcontracts.

Mr. MULL. After the drawings have been approved by Washington and returned to us to work upon, we have a form; this form is posted in conspicuous places where the workmen may view it, calling their attention to the fact that we are about to give out the shell plating or the keel.

Mr. HAYDEN. Contract?

Mr. MULL. Contract.

Mr. PAYSON. For that one item?

Mr. MULL. For that one item, the entire specific item. We have been working this system, I might say, about ten years, now; these men come and get the drawing of this particular item; they look it over and they give us a bid.

Mr. HAYDEN: For a certain sum?

Mr. MULL. For a certain sum of money. After six or eight men, probably, have turned in their bids, we decide upon who is the most responsible bidder. We do not necessarily take the lowest men, because they may be bidding at random. The most responsible takes that job of work.

The CHAIRMAN. Is that bidding confined to the men in your yard, or is it general?

Mr. MULL. That is confined to our employees. If a man from another yard or anywhere else should choose to come in and bid upon that work, he is entitled to do it; any competent shipbuilder may do that, but he must first be an employee of the company, being employed with the understanding that he has that privilege of bidding on any of this work.

Mr. HAYDEN. Then you make a contract with him for that work?

Mr. MULL. We make a contract with him for the work; yes.

The CHAIRMAN. Just wait; let us get the record right. You say he must be an employee of your company; you have just said he may be an employee of any other yard.

Mr. MULL. I mean to say he may enter our employ for the specific purpose of taking any contract.

Mr. DREW. That is the way he qualifies?

Mr. MULL. And for no other purpose whatever.

Mr. HAYDEN. Now, Mr. Mull, after letting the contract, describe in general what its terms are, the general terms of your subcontracts.

Mr. MULL. In the first place the average rate of wages for the ordinary mechanic in the ship construction will probably average from \$2.25 to \$3 a day. Probably a subcontractor may have a partner. We have started those men at 45 cents an hour, and all the men that he employs to work on that work he must submit to the company the rate of pay he is going to give them; or, in other words, we will not permit him to pay a mechanic less than the day's work rate.

Mr. HAYDEN. Of your yard?

Mr. MULL. Of our yard, and he invariably raises those men 10 or 15 or even 25 per cent in excess of their day's work rate.

Mr. HAYDEN. He can pay them as much more than that rate as he pleases?

Mr. MULL. He can pay them as much more as he pleases. After an apprentice has served two or three years he becomes quite an efficient boy, and he is permitted to take that boy and pay that boy as high as \$1 or \$1.50 a day.

Mr. HAYDEN. That is, he can take on as his employees any other employees of your yard?

Mr. MULL. That is right. He carries on this work and after it is completed the amount left over from that which he bids to us he receives in full, in addition to his increased pay and the increased pay that he has offered the other workmen. That means just this, that subcontractor has done that work very much quicker, has given his personal attention, and, therefore, increased our output. That is about the only redress we have against the other yards that have all the modern appliances.

Mr. HAYDEN. Let me understand just how these contracts work. After having let the contracts to one of your employees, he is at liberty to employ any of your employees he chooses to do the work for him?

Mr. MULL. That is correct, providing he pays at least the maximum rate that the man will receive working for us at the day rate.

Mr. HAYDEN. Correct. Who pays the men under him and who pays him?

Mr. MULL. We do.

Mr. HAYDEN. At your maximum rates, or at the rates fixed by him?

Mr. MULL. At the rates fixed by him.

Mr. HAYDEN. If, on the completion of the work, there is a balance in his favor over and above what you paid him and his men, a balance of the amount named in the agreement, he is paid that sum and his profit.

Mr. MULL. He is paid that sum and his profit, divided between the subcontractor and his partner, and very often they give the men employed by them something extra; we do not concern ourselves in that.

Mr. HAYDEN. How many men does your company employ?

Mr. MULL. At the present time, I think we have probably 4,000 men and boys, all the employees together, but now we are very dull, doing very little work.

Mr. HAYDEN. What is your normal number?

Mr. MULL. We run up to 7,500 or 8,000 when we are working comfortably full.

Mr. HAYDEN. What percentage of those men are subcontractors of the class you have described?

Mr. MULL. Fifty per cent.

Mr. HAYDEN. They contract on their own account?

Mr. MULL. Oh, yes.

Mr. HAYDEN. How do those subcontracts operate upon their earnings, because I can not call them wages?

Mr. MULL. I should say that it increases their income at least 50 per cent over and above what they would make if they were doing this work by day's work.

Mr. NICHOLLS. Suppose a contractor fails to earn sufficient on the contract to pay the wages of the men he is employing, what does the company do in that case?

Mr. MULL. It is very seldom the case, because we will never award a contract to a man unless we know he is competent to carry it through for the amount of money he has bid upon it. It does happen at times that he will fall below. In that case we then will endeavor to find out why he did it, for our judgment is at error as well as his if he has taken the job too low. Then we will create an extra to make good the deficiency.

Mr. HAYDEN. That is, the company will carry the loss?

Mr. MULL. The company will carry the loss; we have got to do that.

Mr. HAYDEN. In other words, you finance your subcontractors?

Mr. MULL. Oh, I will state further that every week, when the contractor draws wages for himself and men, we have a regular form. He puts the wages paid or to be paid on a sheet of paper. That serves as a voucher for his pay and for the men in his department. That goes through our subcontract department and notice taken of it and then signed and sent over to the office, and that serves as a voucher for drawing the money. We do not permit him to pay the men. Those men are paid by the envelope and receive the money the same way as men receive their day wage, because he might take the money if he is unscrupulous and get out of town, and we would

have to pay just the same. By doing that we get an absolute and accurate cost of every branch of work we give out.

Mr. HAYDEN. That is, you see to it that your men are all paid?

Mr. MULL. Yes, sir.

Mr. NICHOLLS. It practically amounts to this, then, that they get a certain wage per day, and if the amount of the contract is greater than the total sum they get that as a premium, but they get wages whether their contract pays it or not?

Mr. MULL. Certainly they do. Those men will make, in nearly every instance, from 10 to 15 or 25 per cent. As this contract system goes through my office there, I have full knowledge of it, and I am prepared to state that the per cent of men falling below 10 per cent is very small.

Mr. HAYDEN. Now, Mr. Mull, will you please tell us how and why the company can afford to give out these subcontracts for work on which your own employees make so large profits; that is, what conditions peculiar to your yard justify that system?

Mr. MULL. Simply this: As I say, before the other yards started out we were practically the pioneers and did not have competition. After they started we had to resort to some means of making good, and this was the only means we had. It increases our product at least 50 per cent. When I say 50 per cent I am prepared to substantiate that.

Mr. HAYDEN. Can you give any illustrations of the effect of this system in the building of any particular vessel?

Mr. MULL. I will in the case of building identical ships. We constructed one at a loss of \$25,000; the ship's value was about \$350,000. The second we started on this subcontract system and we made \$15,000 on the job.

Mr. HAYDEN. How about the time?

Mr. MULL. We were paid one month premium for early delivery on the latter. The same class of men worked on this as worked on the other, but they took it up on the subcontract principle; it makes the subcontractor personally responsible for what his wages are, what his income is. It does another thing; instead of having foremen placing the men, seeing that they are kept at work, the subcontractor does that part of it. The foreman becomes a dignified inspector, and we certainly are increasing our output. Another thing I might mention; when a subcontractor is making money we always make money on the ship.

The CHAIRMAN. Suppose you put 100 men, for an illustration, on a ship, no matter what size, and they work for you under your foreman and you lose money. The same 100 men on a like ship on the subcontract system builds her, and on the same bid you make money. There is a reason for that somewhere that has not been exactly brought out yet.

Mr. MULL. I think I will make that clear. When a subcontractor takes a job he takes it with a view that he is going to make some money upon it. He will select his men, and as a ship is composed of many compartments, rooms, etc., we will take, for instance, a Government ship. We have as many as 1,600 compartments upon it. A man lays out his work and allots it in such a fashion that he is keeping tab on his workmen. We could not have foremen enough to go through a ship and see that the men were doing their work; but



when that subcontractor sees that he is going to profit by his energies he is going to do a lot of work, and the employees have an advanced rate, and it serves his purpose to give an honest day's work in order to be reemployed by a subcontractor at an increased rate.

Mr. HAYDEN. How do the subcontractors treat their employees, as far as pay is concerned?

Mr. MULL. As I say, they pay them as high as 25 per cent more.

Mr. HAYDEN. So that every man participates on a piece of work employed by a subcontractor?

Mr. MULL. Exactly.

Mr. HAYDEN. Mr. Mull, I invite your attention to some testimonials directed to the Cramp Company in 1899 by a number of employees. They appear in the proceedings of the Senate Committee on Education and Labor during the year 1902, pages 371 to 380. Kindly tell us what, if anything, you know of those petitions, how it came that they were made?

Mr. MULL. These were men who voluntarily wished to maintain the same work hours in 1899 that the company still had, namely, ten hours a day with the privilege of working overtime. They presented to the company a petition with those names that you have there produced, of all departments.

Mr. HAYDEN. I ask, Mr. Chairman, that the petitions to which I have referred be incorporated in Mr. Mull's statement. I have given a reference to them as they appear in the reports of the proceedings of the Senate committee.

Mr. TRACY. Is it not a fact that just at the same time a large number of the employees of the Cramp Company were on strike for a reduction in the hours of labor?

Mr. MULL. Not a large quantity; they were limited.

Mr. TRACY. But there was a strike?

Mr. MULL. We never admitted or recognized a strike.

Mr. TRACY. Nevertheless, there were large numbers of the employees who quit, and the company had cordons of police around on the outside to prevent the members of the organizations approaching the yard; is not that true?

Mr. MULL. There was not a large number; no, there was not. There were some few men disgruntled at something; I have never heard what it was, but we carried on our business just the same.

Mr. NICHOLLS. How many men had quit work at that time, Mr. Mull?

Mr. MULL. I can not just remember; I have a record that I will be glad to furnish.

Mr. NICHOLLS. Could you give us approximately the number?

Mr. MULL. No, that is nine years ago. I do not think there were over 25 per cent altogether. When a man quits in the shipyard, say a riveter, there will be himself and four men go with him.

Mr. NICHOLLS. Those are his assistants?

Mr. MULL. Those were boys and passers who can not work unless the riveter is present. But it is perfectly obvious that the men did work, because we had work in hand and the way we delivered it proved that. We had the Army transports there; we turned them out in good time, and the rest of the ships also.

Mr. NICHOLLS. That was the time this petition was presented by those who remained at work?

Mr. MULL. That is the very time, yes.

Mr. HAYDEN. Has there been any change in your hours of labor since these petitions were presented to the company in 1899?

Mr. MULL. None excepting what the men take advantage of themselves in the summer time. They work late in the evening in the summer time, and we do not object to that. No rule has been made by the company to change the hours of work.

Mr. HAYDEN. These subcontractors are permitted to work overtime?

Mr. MULL. From daylight to dark, if they so choose.

Mr. HAYDEN. Why do you give them that privilege?

Mr. MULL. Because it increases the productive output.

Mr. HAYDEN. When men are working under subcontracts, what effect has it upon their compensation, that is, the working of overtime?

Mr. MULL. Well, for instance—in working overtime, you mean?

Mr. HAYDEN. Yes.

Mr. MULL. For instance, I will take a point in view now. On the U. S. battle ship *Idaho* we were delayed in the delivery of armor. That necessarily put back the installation of the turret machinery. When the armor came and was duly installed, and when it was time to install the machinery, it was necessary to work overtime. That was installed by this same subcontract system. In a case of that kind we tell the subcontractor that when he made up his time he did not take into consideration the overtime, and we pay him the overtime. For instance, we give them the half hour for every hour they work.

Mr. HAYDEN. You do not charge the bonus of overtime against his bid?

Mr. MULL. No; and any machinery that is required to work for that purpose we give him that.

Mr. HAYDEN. Have the relations between the Cramp Company and its employees changed in any particular since these petitions were addressed to you?

Mr. MULL. I should say they have; we have got very much closer to our workmen and they closer to us.

Mr. HASKINS. Mr. Mull, when your workmen are voluntarily performing labor overtime, what effect does that have upon their morality and standing as men?

Mr. MULL. I think it has about the same effect that my own experience has led me to believe. I have worked considerable overtime. The longer I could keep working the more mischief I was kept out of. I think, to a certain extent, it has a very marked good effect in the relation to the workmen—such as work in shipyards.

Mr. NICHOLLS. You think that the longer day is preferable to the shorter day?

Mr. MULL. I think in some instances; yes.

Mr. NICHOLLS. What limit would you fix on the reasonableness of the length of the day?

Mr. MULL. Are you speaking specifically of shipbuilding?

Mr. NICHOLLS. Yes; inasmuch as that is the subject.

Mr. MULL. I should say that that might go well onto 50 per cent; that many of the men should be better off if they worked fifteen hours, both morally, physically, mentally, and financially.

Mr. NICHOLLS. You say physically also?

Mr. MULL. I do.

Mr. NICHOLLS. I understand the subcontractor is the one to determine when they will work overtime. You allow them to work overtime as much as they want to; is that right?

Mr. MULL. When he determines that, he works overtime, but he takes care of it. His job is good enough to get through in a limited length of time, so that he is enabled, probably, to bid on a fresh job. We do not restrict him; he may work as long as he wants, but there are occasions in which we require them to work overtime, but in those cases we pay them.

Mr. HAYDEN. But when they voluntarily work over he pays them?

Mr. MULL. That is a matter of his own account.

Mr. NICHOLLS. But he can, if he wishes, work as much overtime as he desires?

Mr. MULL. That is true, within certain limits. We do not permit him to work after night, because then we are liable for accident, because our work at best is hazardous to take.

Mr. NICHOLLS. Then he has absolute control of the men under him; he is responsible for all his men, is he not?

Mr. MULL. He is, but we still do not lose control. They must conform to the rules of the company by reporting at the gate, checking in, checking out, and conforming to all the rules of the yard.

Mr. NICHOLLS. Suppose that any day the subcontractor says to his men they have to work overtime. Does it lie entirely with him, or have they any right of choice whether they work overtime or not?

Mr. MULL. When he wants a man to work overtime he generally offers him an inducement, and the man is very willing to do it. I have seen instances where men thought that they were not getting a fair chance because they did not get the opportunity to work as much time as another, and they appealed to me to make a decision in the matter. I have never seen an instance where a man did not want to work overtime in a contract system.

Mr. DREW. A man could refuse to work overtime and still remain in your employment?

Mr. MULL. Absolutely.

Mr. HAYDEN. It is purely a question between him and the subcontractor?

Mr. MULL. Yes; absolutely.

Mr. NICHOLLS. Would the subcontractor be allowed to dismiss him from that particular contract?

Mr. MULL. Not for that purpose; no.

Mr. NICHOLLS. Not for that?

Mr. MULL. No; and we never have a man to work overtime who refuses. That is, if a man did not care to work we would not press him; that we never do.

Mr. HAYDEN. You have always found enough who were willing to do it?

Mr. MULL. Always.

Mr. HAYDEN. Mr. Mull, how long have you been in the employ of the Cramp company?

Mr. MULL. I went there first in 1879.

Mr. HAYDEN. What positions have you occupied? Just recount your experience.

Mr. MULL. Well, I went there as a machinist—that is, I finished serving my apprenticeship with the Cramp company—and I have been permanently connected there excepting for five years.

Mr. HAYDEN. Since 1879?

Mr. MULL. From 1879 up to date. I have occupied all the positions there, I should say, from mechanic, assistant manager, general superintendent, and so forth.

Mr. HAYDEN. Your work has always related to the employment and management of the working forces?

Mr. MULL. Of the workmen; yes.

Mr. HAYDEN. You know the conditions existing among them?

Mr. MULL. I think I do.

Mr. HAYDEN. Mr. Mull, what in your opinion would be their view of a regulation which limited the hours of work done by them to exactly eight hours per day, without an opportunity to work overtime for overtime pay?

Mr. MULL. That is impossible for me to answer intelligently.

Mr. HAYDEN. How would that appeal to the men?

Mr. MULL. I do not think it would appeal in the least. I do not think you can take any self-respecting man and make any law or legislate anything that will make him work a definite number of hours. That man, then, the minute he accepts that condition simply is branding himself to work as a mechanic forever; he has no alternative after that; he becomes a machine.

Mr. DREW. Are you enough in sympathy with your men to be enabled to give us an idea how they would feel, and whether they would desire this overtime work, or resent its being cut off?

Mr. MULL. They would resent its being cut off, and I could guarantee the name of every man in our employ on a petition to back that up.

Mr. DREW. Are there any shipbuilding yards working on an eight-hour basis?

Mr. MULL. Not to my knowledge.

Mr. DREW. You would know of them if there were?

Mr. MULL. I think I would; there may be in some departments of the yards.

Mr. DREW. What percentage of Government work do you do?

Mr. MULL. That will vary from 50 to 70 per cent. We very seldom have a condition where we do less than 50 per cent of Government work.

Mr. DREW. You said, I believe, at the start that it would be impossible for you to carry on Government work and private work in the yard working different sets of hours?

Mr. MULL. I should think it would be absolutely impossible to do so.

Mr. DREW. You would have to give up one or the other?

Mr. MULL. We would have to give up one or the other.

Mr. HAYDEN. Give your reasons for that and illustrate what the effect would be.

Mr. MULL. My reasons are these: For instance, we have two ships on the stocks alongside of each other—one ship a Government ship, the other a merchant ship. It goes without saying that the requirements on a Government ship are far more difficult to meet than those on a merchant ship. Our men, at best, would rather work on mer-

chant work, because they can accomplish more. The minute we put a man on Government work and subject him to eight hours, and eight hours only, under the system that we do our ship construction that man could never make a living; he could not do it, because you are taking off that man 20 per cent of his income. We can not raise his pay. There is nothing we can do to make up that two hours, and the result is it would take us 20 per cent longer to build a ship. In other words, if it took forty months to build a ship under the present conditions, it would take forty-eight with the eight-hour limitation.

Mr. HAYDEN. To what extent would it increase the cost of work done in your yard?

Mr. MULL. I should say in the same proportion.

Mr. HAYDEN. Twenty per cent?

Mr. MULL. No; I think it would increase the work more.

Mr. HAYDEN. Increase the cost more?

Mr. MULL. I think it would.

Mr. HAYDEN. How?

Mr. MULL. Because necessarily we could never get a man to work on a merchant ship alongside of a man working on a Government ship, one ten and the other eight.

Mr. HAYDEN. You mean the man working on the merchant ship ten hours would be dissatisfied working alongside of a man on a Government job employed eight hours?

Mr. MULL. You do not understand it. If we were to work on the eight-hour basis, we would have to raise the pay of the men on Government work; I do not see any way out of it.

Mr. HAYDEN. Could you afford to do that?

Mr. MULL. No; we can not afford to do it now. It is about all we can do to keep our head above the water on the present basis.

Mr. DREW. You mean raise the wage cost?

Mr. MULL. Yes; raise his wages.

Mr. HAYDEN. Mr. Mull, I want you now to consider what would be the practical effect of this bill upon the operation of your yard; that is, whether your work for the Government could be executed successfully with an arbitrary and rigid restriction of eight hours as the length of time that any laborer or mechanic could work in the course of one day.

Mr. MULL. Decidedly not; because aside from the fact that if it was possible for every man to work for eight hours every day, we have weather conditions in the winter and stormy weather in the summer when our mechanics can not make over two days a week. What are we going to do to make that up? When we take a contract to build a ship in forty months, I think I am safe in saying that we lose from weather conditions alone 15 per cent of that time; we have to make that up, and if we are restricted to eight hours for a day's work, it would be impossible to make that loss good. The Government holds for nondelivery. Aside from that we have other operations of construction on ships, launching and trial trips, installing of certain machinery, that would make it impossible for us to have the day cut to an eight-hour day; it would be impractical.

Mr. HAYDEN. Take one feature.

Mr. MULL. Take the feature of launching.

Mr. HAYDEN. Assume that she is launched; now describe what is the process of installing her main belt or water line armor belt, and what necessity there is for prosecuting that work more expeditiously than you could do on the eight-hour basis.

Mr. MULL. It is a known fact that a ship will only contain so much work without going down in the water, and we have got to launch a ship in such a condition that we can put her armor belt on before that period comes.

Mr. HAYDEN. That is, the armor shell?

Mr. MULL. The armor plate must be above the water line. Therefore we have got to restrict ourselves in putting internal weights, machinery, and such like, in the ship, until after she is launched to enable us to put on the armor belt. Inasmuch as we have restricted the operations up to the date of launching, then we work overtime in order to make good those parts that we have retarded the work on, to accommodate the work of putting the armor plate on. That is a very serious thing. I do not see how we could ever catch up lost time if we were limited to eight hours.

Mr. HAYDEN. That is, no matter how expeditious you may be in other respects, if your ship is launched, you must rush forward the work of installing her main belt as rapidly as possible; otherwise, you delay the installation of her engines and other internal armor and all other parts of the ship?

Mr. MULL. Absolutely; that is correct.

Mr. NICHOLLS. What do I understand to be the length of the work day in your yard?

Mr. MULL. Ten and one-quarter hours.

Mr. NICHOLLS. You say, I think, that there is considerable overtime?

Mr. MULL. Oh, yes.

Mr. NICHOLLS. How late in the evening do they work usually?

Mr. MULL. That depends upon where the work is done. On ships we never work overtime until after they are launched. In our shops we work overtime, for instance, on our turret machinery; that will be a night and day job. I will cite a case of the *South Carolina*. There is an entirely new type of turret, four 12-inch going into the ship. We have only one boring mill in the establishment that will handle those tracks. It will take that boring mill night and day until that ship is completed. Then I do not think we can have those turret tracks done by the contract time, and shall have to ask for an extension.

Mr. NICHOLLS. How many shifts do you have working?

Mr. MULL. We have one shift.

Mr. NICHOLLS. The same men working on?

Mr. MULL. When they work overtime, on the character of work; it is necessary work.

Mr. NICHOLLS. In other words, where you say they work night and day?

Mr. MULL. In the roughing out we have two shifts; they work at twelve-hour shifts.

Mr. NICHOLLS. That would be a case where they work night and day?

Mr. MULL. Yes; they would work night and day.

Mr. HAYDEN. Your regular hours are governed by the temperature, I assume, to some extent?

Mr. MULL. Well, in summer time, of course, it is necessary in the very hot weather to abandon work in the middle of the day on ship construction; that is, on the stocks. We have a good many cases of heat prostration and sunstroke, so we induce the men to come in early in the morning and stop, and then resume in the afternoon and work late.

Mr. NICHOLLS. Are they willing to do that?

Mr. MULL. Perfectly willing; that is to their interest to do that.

Mr. NICHOLLS. Could you work two shifts of men eight hours each on your work?

Mr. MULL. You could not do that very well; the length of the day would not permit that—the daylight would not serve.

Mr. HAYDEN. There would not be sixteen hours?

Mr. MULL. We are in the farmer condition when it comes to that.

Mr. HAYDEN. Just amplify your illustration.

Mr. MULL. Simply that you do not have sixteen hours of daylight.

Mr. HAYDEN. There is certain work that must be done by daylight?

Mr. MULL. Absolutely.

Mr. DREW. Could you find one man who would work a shift of eight hours and another who would work a second shift of four hours?

Mr. MULL. I think that is doubtful.

Mr. HAYDEN. You could not find men who would be willing to work four hours for four hours' pay?

Mr. MULL. We could find men who were willing to work twelve hours rather than four.

Mr. PAYSON. I suppose they would work four hours for twelve hours' pay?

Mr. MULL. Oh, certainly.

Mr. HAYDEN. And I suppose you could find a receiver in bankruptcy?

Mr. MULL. That goes without saying.

Mr. HAYDEN. Mr. Mull, what processes, if any, in your company on Government work, or work under contract with the Government, are necessarily continuous, requiring uncertain lengths of days' work?

Mr. MULL. Well, there is boring the large cylinders; that is an operation that we have got to take advantage of. A man starts to finish a cut in one of those big cylinders; he stays there until he finishes. It would be impracticable to stop the machine or to put a man there to relieve.

Mr. HAYDEN. Why is that?

Mr. MULL. Because a new man would not know the machine, or know the condition of the machine.

Mr. HAYDEN. Suppose you put another man in his place?

Mr. MULL. I do not think he would be sufficiently well posted with the conditions up to that time to successfully carry it out, because as the tool is planing off, you need a man who knows just what to do to terminate that cut just as it began.

Mr. HAYDEN. What kind of cylinders do you refer to?

Mr. MULL. Steam cylinders for the main engines. We have them there 106 inches in diameter and 13-foot length.

Mr. NICHOLLS. How long does it take to bore them out, Mr. Mull?

Mr. MULL. That depends entirely upon circumstances.

Mr. NICHOLLS. Usually what is the length of time?

Mr. MULL. Well, it took this particular cylinder I am talking about about eighteen hours.

Mr. HAYDEN. Did they finish that without a shift?

Mr. MULL. Without a shift.

Mr. HAYDEN. Now, what was done; a man performs eighteen hours of work; how long was he off?

Mr. MULL. In this particular case that man got his straight time for ten hours, and we paid him double time for the balance of the eight hours.

Mr. NICHOLLS. Did he not eat anything in the meantime?

Mr. MULL. He certainly did. I might say this, that we have a café there, serve a lunch if there is special work going on; we see to it that our men are well provided for.

Mr. NICHOLLS. Does the man go on boring while he is lunching?

Mr. MULL. He does not leave the machine; it is carried to him.

Mr. NICHOLLS. His machine continues to go?

Mr. MULL. Sure.

Mr. NICHOLLS. Does he use any hand tool in the work itself?

Mr. MULL. During the process of boring?

Mr. NICHOLLS. Yes.

Mr. MULL. He does to the extent, if the tool is bearing up a little and we think the cylinder is going to come out a little shy, he attempts to draw the tool down; that is the only hand tool he uses.

Mr. NICHOLLS. It is all done practically by the machine?

Mr. MULL. It depends upon the mechanical ability of the man what sort of a job it is going to produce.

Mr. NICHOLLS. Would not another man, who is used to the same work, be fully as well qualified to continue the machine as the man who is already at it?

Mr. MULL. I do not think there are many men used to working that sized tool.

Mr. NICHOLLS. I say a man who is used to running one?

Mr. MULL. We have the shop there, and we can not take a man from one tool to another and put him on it. Any practical man will know that is impracticable. A man must learn his tool just as much as anything else.

Mr. NICHOLLS. I agree; but have you only one man in the shop who does that kind of work; I understood you built several ships at the same time?

Mr. MULL. Oh, we do not have many boring mills that take that sized cylinder, and we have but one man working that mill.

Mr. NICHOLLS. But do you have only one man in your shop who does run that kind of a mill?

Mr. MULL. Oh, we have many mills, but not that take such cylinders as I am speaking of. We have men who are specialists; we do not wish to trust to everybody the boring out of a cylinder and spoiling some work that would throw us back six months. We have this good job and give that to a man with an explicit judgment who knows how to terminate the work correctly.

Mr. NICHOLLS. How many men have you of that class in your yard?

Mr. MULL. I, for one, and the man who runs the tool for another. I guess we could muster up sufficient to carry on our work.



Mr. NICHOLLS. How many, I say, have you?

Mr. MULL. We could muster up a half a dozen, probably, but we would want them to have some experience on the tool.

Mr. HAYDEN. That is, he must know his tool.

Mr. MULL. Yes.

Mr. HAYDEN. That, is, he must know how it works.

Mr. MULL. Yes; as a jockey knows his horse.

Mr. NICHOLLS. Can a man driving this machine, one of those men in the same class more than another, know what effect the boring of the cylinder farther on is going to have on the tool—one more than another?

Mr. MULL. Yes.

Mr. NICHOLLS. How can they tell?

Mr. MULL. A matter of experience with the men. Some men have more experience than others; are quicker than others.

Mr. NICHOLLS. I am speaking of men who are equal.

Mr. MULL. Men are not equal, as those things go.

Mr. NICHOLLS. But you trust the same class of work, do you not, to more than one man in that class at various times?

Mr. MULL. Of course; but we know that the man is running that tool who can produce the work. I am speaking now of one tool. We have several boring mills, which bore several sizes of cylinders, and we measure the cylinders according to the ability of the man running the tool.

Mr. NICHOLLS. But, as I understand, you say you could scare up about a half a dozen men who run the same kind of a mill.

Mr. MULL. Similar, but smaller.

Mr. NICHOLLS. And they would be practically equal, in as far as their ability to run a bore in a cylinder?

Mr. MULL. Not of all sizes; no.

Mr. NICHOLLS. Have you only one man for each size?

Mr. MULL. We never employ more than one man to run a tool; therefore, we would have but one man on the tool.

Mr. NICHOLLS. Suppose that that man was sick for a day; is the battle ship held up until he gets well?

Mr. MULL. I have seen instances where men have been sick and it has paid us well not to push the tool—not to proceed with the work; because if a man is being educated on certain lines of work it is impossible for another man to take that up and give us an assurance that he will not spoil the work.

Mr. HAYDEN. Is not that summed up by this, Mr. Mull, that the man is required to work with his mind rather than with his hands, and is more than a machine—he is a man?

Mr. MULL. Of course it is the personality of the man rather than of the machine.

Mr. NICHOLLS. Is not the machine gauged to bore a hole of a certain specific diameter in the cylinder; must it not conform exactly to a certain diameter through the cylinder?

Mr. MULL. No.

Mr. NICHOLLS. Do not your specifications call for a certain sized cylinder?

Mr. MULL. Yes.

Mr. NICHOLLS. Then how do you bring that size about except by boring?

Mr. MULL. Accurately, we do not; it is not within the province of man to do it either.

Mr. NICHOLLS. You are going into the one-millionth part of an inch.

Mr. MULL. That is what I am talking about.

Mr. NICHOLLS. But for practical purposes, when you say you will cut a 10-foot cylinder you will cut a 10-foot cylinder without, at least, an inch difference?

Mr. MULL. All right. Let me tell you, right in the specification of the United States Government for machinery, the turret-turning gear, we are allowed three one-thousandths of an inch; that is on the turret.

Mr. NICHOLLS. How about the cylinders?

Mr. MULL. The cylinders, they know too much to specify; they know we can not attain it.

Mr. NICHOLLS. Do they not specify exactly?

Mr. MULL. They do. They will say a cylinder 100 inches. We get it 100 inches if we can. If the cut does not prove successful, or if the cylinder is bolted in such a way that there is a strain set up by the clamping effect, and we lessen the bolting, something does not prove just right and does not pass the inspector, and we go over it again.

Mr. NICHOLLS. Exactly; but in introducing this boring apparatus it is gauged so that, to all intents and purposes, it will bore a 100-inch cylinder if that is your specification?

Mr. MULL. You mean to convey to me this point: That when you start the tool at a certain measurement it will terminate that same measurement and requires no attention from the man?

Mr. NICHOLLS. No; I understood you to say that the cutters have to be renewed or driven in to make up for the wearing caused by cutting out the cylinder.

Mr. MULL. That is what I said, but there is not one man out of one hundred who has the experience to do that properly. It must be a man who has taken the rough cut out and taken the semifinish cuts in order to have that judgment in order to know just exactly what to do.

Mr. NICHOLLS. Suppose you have more than one man who does work of that same class, identically the same, why is it that he may not take up the work and continue the machine that is boring and finish it up?

Mr. MULL. Simply because that man has not had the previous experience on that particular job. Had that man started the job in its very conception, he then, perhaps, would have the same experience, but you can not take a man and rush right in on a job of that kind and finish it and expect to get good results.

Mr. NICHOLLS. Are you not required to furnish a cylinder of a certain diameter, steel of a certain quality, by the Government?

Mr. MULL. We generally make ours out of cast iron.

Mr. NICHOLLS. Out of cast iron?

Mr. MULL. Yes, sir. It has to be of a certain chemical consistency to bring it to meet the Government requirements.

Mr. NICHOLLS. And he could vouch it would be that in each case?

Mr. MULL. Yes; that is our aim.

Mr. DREW. May I ask, in this connection, to complete this point on the record, if you went to the expense of hiring two men who could operate this same tool with equal efficiency, then they were started on the job at the same time, still one man having started on this particular job, you say that it would not be practicable for the other man to step in at the end of eight hours and finish this work, because there is something about the continuous operation that necessitates the same man finishing who started?

Mr. MULL. That is what I wish to convey, exactly.

Mr. DREW. May I go further than that? You look to one man for responsibility for a certain piece of work, if you start him on it?

Mr. MULL. Yes, sir.

Mr. DREW. If two men work on it, would there not be a division of responsibility?

Mr. MULL. Yes, sir.

Mr. DREW. And would that not disorganize your working force immediately, to have two working forces on jobs?

Mr. MULL. Absolutely.

Mr. HAYDEN. Mr. Mull, passing on now to your relations with your subcontractors other than those who are in your own employ and actually engaged in preparing the structural work on vessels that you are working on, that is to say, those who furnish boilers, steel, cranes, and one thing or another of that description, what effect would an eight-hour limitation of the hours of labor such as contemplated by this bill have upon them?

Mr. MULL. I should say that so far as our structural material, such as plates, are concerned, I do not know that we would ever get them.

Mr. HAYDEN. That is, the subcontractors would refuse to bid?

Mr. MULL. Yes, sir; they would refuse to bid if they were confined to an eight-hour day. It is hard enough to get that material now on a ten-hour basis on Government work, as they are on a higher quality; they have to make special ingots, and when we are busy there is so much structural work going on that they will not furnish them until they get ready. But I am sure if they were limited to an eight-hour day, restricted by this law, I do not know that they would ever do it.

Mr. HAYDEN. You mean you find them unwilling to furnish you with materials when business is active?

Mr. MULL. We certainly do.

Mr. HAYDEN. When there is demand for structural steel?

Mr. MULL. Take the product of the United States company; I do not think the Government work would represent 2 per cent of their entire output; I do not think it will amount to 2 per cent.

Mr. HAYDEN. Everything that you buy from them you buy on special order?

Mr. MULL. Special order, absolutely.

Mr. HAYDEN. Can you find it in stock anywhere?

Mr. MULL. No; not even for merchant work.

Mr. HAYDEN. If you had such materials in your yard, would they be salable for work on merchant ships?

Mr. MULL. Oh, no.

Mr. HAYDEN. Why not?

Mr. MULL. They would not pay the price, and we could not afford to work it in a merchant ship.

Mr. HAYDEN. That is, the Government work is very costly?

Mr. MULL. It is. You take a rivet, they want it nickeled steel.

Mr. HAYDEN. You are engaged in building some destroyers?

Mr. MULL. Yes; and at the present time we have yet to find a man to furnish rivets to meet the requirements of the Government.

Mr. HAYDEN. Would those rivets, when inspected by you, be available for use on other ships?

Mr. MULL. No; they are too costly, too hard, impracticable to use. I will relate an instance that has only happened this week. On the battle ship *South Carolina*, after her armor plates, that is, her barbette No. 1, was made and delivered, they were put on the ship, and two flaws on the surface were discovered, and we had to take those plates off and ship them back to Bethlehem. We were informed it would take two months to have them replaced. That is not only holding up that particular barbette, but we had calculated to put the first turret track and the first turret in that part of the ship. That delay will mean not only the two months, but the consequential delays on other places, and it will be about five months. We have to make overtime; we could not expect the Government to give us an extension on anything of that kind; they would not, if we asked them; they would say, "Why do you not do this?" or "Why do you not do that?" The result is that we will have to start in when these plates come and work overtime night and day.

Mr. HAYDEN. To avoid a penalty?

Mr. MULL. Yes; to avoid a penalty. When we are restricted to an eight-hour basis, we will have to do something to prevent Providence or inevitable accident from coming to crack our armor plates.

Mr. HAYDEN. How many contracts do you let for material outside of your own subcontractors; give us an estimate?

Mr. MULL. I could not say—the miscellaneous material, such as structural material, carpets, oilcloths, and so forth?

Mr. HAYDEN. Everything; can you estimate it?

Mr. MULL. No.

Mr. HAYDEN. Does it exceed 100?

Mr. MULL. Oh, my, yes.

Mr. HAYDEN. Three?

Mr. MULL. Thousands.

Mr. HAYDEN. For the various minute items?

Mr. MULL. For the various minor items; I could not enumerate them this afternoon.

Mr. HAYDEN. Are any of the things you get under your subcontracts procurable in the open market?

Mr. MULL. Nothing for Government work. Even the linoleum that goes on the floor you can not buy in the open market.

Mr. HAYDEN. Could you sell it, if you had it, in open market?

Mr. MULL. At a loss; we have remnants left over at times that we work in on merchant ships which they are very glad to take, but it is at a loss to us. Even paint and rubber. I have seen us wait six months for rubber for sidelights for our ports for Government ships. This rubber is manufactured. It goes to a chemist who takes chemical analyses and treats it physically for its physical test, and I have seen us wait six months for india rubber.

Mr. HAYDEN. For what purpose?

Mr. MULL. For the purpose of side lights for battle ships and inner bottom water manhole plates.

Mr. HAYDEN. Although, in the aggregate, that is a very small item?

Mr. MULL. Very small, yet a ship could not leave without even that, small as it is.

Mr. HAYDEN. Mr. Mull, at a former hearing Mr. Powell, of your company, was addressing the committee and was asked this question by an advocate of the bill, Mr. Tracy: "Is it not true that when business is normal it is a great deal more difficult for the Cramps Shipbuilding Company to obtain employees, because of the fact that they can obtain better conditions and better wages in other localities, and when there is a depression that they can obtain all the help that they need, because of the fact of the depression?" Will you please tell us what you know of that condition, whether it exists or not?

Mr. MULL. Who said that?

Mr. HAYDEN. Mr. Tracy asked the question, an advocate of this bill.

Mr. MULL. I do not agree with that. I think that we do pay better wages than other places. I am sure that our wages are higher than any other shipyard in this country; that is, the money paid to the workmen is more.

Mr. HAYDEN. Through the medium of the subcontract system?

Mr. MULL. Through the medium of the subcontract system.

Mr. NICHOLLS. Could you say per hour?

Mr. MULL. More per hour. I do not believe there is a place in the United States that pays the wages we do for ship construction.

Mr. HAYDEN. Have you any difficulty in obtaining at all times a sufficient working force?

Mr. MULL. We may have difficulty in getting riveters. Except in that, I do not know of an instance where we have ever had difficulty. Riveters are a floating class of people, and when structural work is at its height around the large cities they pay there high wages, and the riveters go there in preference to coming to the shipyard.

Mr. HAYDEN. The work is easier; not so accurate?

Mr. MULL. The work is limited. They only drive a few rivets and only work a few hours; that is the reason. But, as a rule, when we are running at a normal rate we never have any trouble at all; no difficulty whatever.

Mr. DREW. May I ask you just for information what a normal output of a gang of four riveters is during a day?

Mr. MULL. A right and a left hand man, a holder—what is the size of the rivet?

Mr. DREW. A three-quarter rivet.

Mr. MULL. Countersunk or button head?

Mr. DREW. Button head.

Mr. MULL. We will put in 1,400, one man.

Mr. DREW. A day?

Mr. MULL. A day.

Mr. HAYDEN. That is one man?

Mr. MULL. One man, with a pneumatic hammer.

Mr. DREW. Working how many hours.

Mr. MULL. He will start in the morning at 7 and quit at 4.

Mr. HAYDEN. An hour for lunch?

Mr. MULL. Three-quarters of an hour. He gets paid for every rivet he drives, too.

Mr. HAYDEN. That is, paid by piecework?

Mr. DREW. Do you know whether he belongs to a union or not?

Mr. MULL. I know he does not, and if he did he would not be driving rivets.

Mr. NICHOLLS. You do not employ any union men?

Mr. MULL. Not if we can get others, and we never have any difficulty in getting others, none whatever. I remember, before coming down here, I stopped in our labor bureau office, and we had 3,000 applicants for work.

Mr. NICHOLLS. At this time?

Mr. MULL. Right now, 3,000 applicants, all of whom are nonunion men.

Mr. NICHOLLS. Do you claim, on the whole, that it is impossible to build a battle ship under the eight-hour day limitation?

Mr. MULL. I think it is utterly impracticable, almost impossible.

Mr. NICHOLLS. Has it not already been done?

Mr. MULL. I think it has never been done.

Mr. NICHOLLS. What is your information in regard to the building of the *Connecticut*?

Mr. MULL. Well, I do not care to criticise that; but I should think that information could be had from those who are perfectly willing to say. The navy-yard has a record of it; I know they did not do it, I will tell you that.

Mr. NICHOLLS. That they did not build it on an eight-hour basis?

Mr. MULL. On an eight-hour basis, no, sir; and I will cite as an instance, if they did, at the same time we were building, under the same appropriation, a ship called the *Tennessee*. We built her in six and a half months less time than they did the *Connecticut*.

Mr. HAYDEN. How did the two ships compare in tonnage?

Mr. MULL. About the same; about the same amount of work on each ship.

Mr. NICHOLLS. Have you any definite information to support your statement that they did not comply with the eight-hour law?

Mr. MULL. I do not know what they complied with, but I know, as a matter of fact, that they could not have accomplished that working eight hours a day.

Mr. HAYDEN. Without overtime?

Mr. MULL. Without overtime.

Mr. NICHOLLS. That is a matter of opinion?

Mr. MULL. No, it is not a matter of opinion; it is a matter of personal knowledge, in part.

Mr. NICHOLLS. I am only trying to get down to whether it is part opinion, or whether there are facts connected with it. Can you point out to us any case in the building of that ship, any instance, where they did work more than eight hours, and violated the eight-hour law?

Mr. MULL. I do not know what they violated; I did not know that the law existed; I now do not know. I was over there at the launching, preparatory to the launching, and I know they worked right through about twenty-four hours.

Mr. NICHOLLS. In launching the ship?

Mr. MULL. Launching and the preparatory stages of launching that are necessary.

Mr. NICHOLLS. That would be an emergency?

Mr. MULL. No, it would not; I do not consider it would be any more an emergency than would be changing the man on the tool or boring the cylinder.

Mr. NICHOLLS. Is it not so in launching a ship that when they commence to drive their wedges and start to move the ship, if they allow it to set, it goes down in the wedges and gets fixed in the ways?

Mr. MULL. They do set and are wedged and are sometimes fixed.

Mr. NICHOLLS. As a matter of practice, is it not an injurious thing to do?

Mr. MULL. It is not a good thing to do.

Mr. HASKINS. Mr. Chairman, I do not think we are here in the consideration of this bill to probe into violations of any present law on the part of anybody.

The CHAIRMAN. The only pertinency it has is this; it has been suggested by gentlemen engaged in this kind of work, and by more than one, that as a matter of fact you can not bore certain cylinders accurately except it is done by the same hand. I do not know the importance of that, really, for I had supposed that would be an emergency. Frankly, my own impression is that two men can not bore a pump log through that part where the box is to play and get it smooth, but that is the only pertinency it has, whether the *Connecticut's* cylinder, and so forth, were bored by different people, each one working eight hours and changing the tools.

Mr. HASKINS. Mr. Nicholls seemed to be probing to ascertain from this witness if he had any personal knowledge of the violation of the law in the building of the *Connecticut*.

Mr. NICHOLLS. Here is the point I am trying to satisfy myself on. If a thing has been done, it is within the bounds of possibility, and even probability, to do it again under like circumstances. The witness says that it can not be done; it has been claimed, and it seems to be a matter of record, that the *Connecticut* was built under the eight-hour day, and if that be true, then all his statements to the contrary saying that it can not be done amount to nothing.

The CHAIRMAN. There has not been any proof offered here, Mr. Nicholls, that the eight-hour system was adhered to in the building of the *Connecticut*.

Mr. NICHOLLS. And, therefore, if that would be true, it would have a very material effect in this hearing and on the question.

The CHAIRMAN. But you can not rebut that which has not been proven.

Mr. NICHOLLS. The witness made a statement that it was not complied with on that ship. It is possible that those who are defending the bill may bring evidence that it was, later on. I am trying to get the facts as to what he bases his statement on when he says that the eight-hour law was not complied with in the building of the *Connecticut*.

Mr. MULL. I did not say that it was not; you misunderstand me. I did not tell you that the eight-hour bill was not complied with.

Mr. NICHOLLS. No; but the eight-hour day.

Mr. MULL. Or the eight-hour day. I did not know of the existence of an eight-hour law, even at that time.

Mr. NICHOLLS. The question was asked whether or not they built the ship under an eight-hour day, and I understood you to say no.

Mr. MULL. I said there were some parts of that ship as to which I was a personal witness that they worked longer than eight hours.

Mr. NICHOLLS. Of course, the notes will show what we asked and what you said on that point, but my impression was that you said, in substance, that it was not built upon an eight-hour day, and then you cited this one case of the launching and preparation for launching, about which I asked the question afterwards whether it might not be considered an emergency.

Mr. MULL. I said that was what came under my observation.

The CHAIRMAN. What the notes will show is that the gentleman said he knew from personal knowledge of shipbuilding that the *Connecticut* could not be built adhering to the eight-hour day, from his knowledge of boring cylinders, and so forth, and that he knew from his knowledge of the business that, perhaps, she was not built in the time specified on the eight-hour plan. He was then asked for a specific instance. I admit, Mr. Nicholls, that the question had no applicability to the statement. He stated what he knew could be done on a particular plan; that does not carry with it the idea that he could state a specific instance.

Mr. HOLDER. Does that mean, Mr. Chairman, with one shift of men or two or three? The witness might answer it.

The CHAIRMAN. The witness has previously stated that good work on the body of the ship could only be done by daylight, and there is not daylight enough in this latitude to work two shifts in eight hours.

Mr. HAYDEN. As I understand, there is not daylight enough in this latitude to work two shifts for any length of time economically?

Mr. MULL. No; there is not.

Mr. HAYDEN. Having in view good results and expedition in the performance of the work?

Mr. MULL. And the safety of the workmen.

Mr. HAYDEN. Tell us why the safety of the workmen is involved?

Mr. MULL. Simply this, that in the construction of a ship you are walking along 12-inch planks and elevated locations, and the shadows of electric lights, to say the least, are very confounding at night, and the man jumping from frame to frame is doing hazardous work; we would not permit it.

Mr. HAYDEN. Now, Mr. Mull, please take up the question of the fitting out of a ship for her trial trip and the running of a vessel on her trial trip and the necessity of the work with respect to the length of the men's employment, workmen and mechanics.

Mr. MULL. The specifications prescribe that the engines shall have a four-hour full speed endurance trial; that is, the maximum power. Preparing to get the ship in a condition to go on a four-hour run means the standardizing of your ship, which may take five hours, which means that you have a number of picked men, all specialists in their lines, and as these ships are untried it is impossible to have two classes of men who know just what to do. So, we have constantly in our employ the men who go on trial trips. We start out, for instance, at daylight to standardize a ship. It will be quite 1 o'clock when that operation is over. Then we will start right back on a four-hour run. It will take an hour or an hour and a half until we get in water sufficiently deep to run the maximum speed trial. By the time that trial is concluded the men have worked eighteen hours,



excepting the firemen; we put them on six-hour shifts, but all the skilled mechanics and engineers are there from start to finish, and on the twenty-four hour trial not only are the ship's people on watch for that entire twenty-four hours, but the Government officials are there, being relieved for lunch, or something to eat, but constantly on hand. Those are things that you could not possibly conduct under an eight-hour day.

Mr. HAYDEN. Or any other limitation?

Mr. MULL. Or any other limitation, because an accident might happen or something of that kind, and you have to repair it if you are at sea, and there is no limit to the number of hours men would have to work.

Mr. DAVENPORT. What do you mean by "standardizing?"

Mr. MULL. Standardizing the screw is by running over a measured mile and progressive runs, starting in, say, at 7 knots, and in 7 knots you would get 60 revolutions. Then you go 10 or 12 or 14, with the relative number of revolutions. Then you make a curve. From that curve you derive what would be the speed of the ship; say, you would find out, if she was supposed to be an 18-knot ship, whether she was up to the requirements. In other words, you get a coefficient of her screw. Then we proceed in deeper water at sea to run, or attempt to run, the required revolutions. All that is conducted by a class of experts, and you do not have them in shifts.

Mr. HAYDEN. As a rule, is it not true that the number of men engaged in any branch of shipbuilding is comparatively limited in this country?

Mr. MULL. They are, yes; all the specialists are limited. We do not have the command of labor that they do in Europe, because that is the principal business; here shipbuilding is practically a side issue, and reliable men, men such as we would call "specialists," are very rare, very few.

Mr. HAYDEN. And others could not be intrusted with the work?

Mr. MULL. No; certainly not.

Mr. PAYSON. Before you leave the question of trials, and so on, might I ask a question? Do you happen to remember, in all Government contracts for the construction of battle ships, in the trial of the electric power, that it is provided there must be a twelve-hour continuous test?

Mr. MULL. Yes, sir; and now it is twenty-four.

Mr. PAYSON. Is that so? It used to be twelve.

Mr. MULL. Yes, sir; the first twelve for duration, the second twelve for heat tests, and aside from the electric test there is a ventilation test that they have raised the time limit on.

Mr. PAYSON. How much continuous is that?

Mr. MULL. Twenty-four hours; that is, twenty-four hours at full load and forty-eight hours at 50 per cent load.

Mr. HAYDEN. Mr. Mull, as those terms are commonly employed in shipbuilding or in other trades, what classes of employees are embraced under the terms "laborer" or "mechanic?"

Mr. MULL. What is embraced under the term "mechanic?"

Mr. HAYDEN. Yes.

Mr. MULL. A machinist, a molder, pattern maker, ship carpenter, ship fitter, ship joiner, a riveter, brass finisher, coppersmith, electrician, hydraulic man, driller, ship shed man, and innumerable draftsmen, pipe fitters, and so forth.

Mr. HAYDEN. Outside of your office work, administrative force, what men in the employ of the Cramp Company would not fall within the description "laborer" or "mechanic" as those terms are understood in the shipbuilding trades?

Mr. MULL. Outside of the office staff?

Mr. HAYDEN. Yes; what employees, if any, would fall under one of those two classes?

Mr. MULL. I think there is possibly one, the foundry men, and only them in part. After they make up their flask they go home, no matter what time of the day.

Mr. HAYDEN. Would they not be considered laborers?

Mr. MULL. No; they are mechanics, all excepting the foundry men's helpers. They will have a lot of light work to do, flask work, and after they finish that work they wash up and go home.

Mr. HAYDEN. And that rates as labor?

Mr. MULL. Of course it does; but that is the one man who would accomplish his work within eight hours; I think that was what you asked.

Mr. HAYDEN. No; I asked you to state which of your employees come within the designation "laborer" or "mechanic." Do you know of any employees outside of your office force who would not be classified either as a laborer or mechanic?

Mr. MULL. No.

Mr. HAYDEN. They are covered by that description?

Mr. MULL. They are covered by that description outside of the office force.

Mr. HAYDEN. That is all, Mr. Chairman, unless some gentleman present has further questions to ask.

#### AFFIDAVITS FILED BY MR. MULL.

##### IRON WORKERS.

AUGUST 31, 1899.

We, the undersigned fitters up and iron workers, do hereby certify that we are perfectly satisfied with the time and rates now in vogue in our department, and in consideration of the feeling of loyalty we possess for the Wm. Cramp & Sons' Ship and Engine Building Company, we do hereunder cheerfully affix our signatures:

Rivet Department.—J. Banus, Pete Connie, Henry Pote, P. Garman, W. Fratiao, Geo. Rotherham, jr., Dan Shields, W. Martin, Wm. H. Curtis, J. Bremmer, Winfield S. Pote, Joseph Wright, George Parcels, Sam. Dool, P. McGuigan, John De Kione, John Floss, Robert Conner, John Hoover, C. Johnston, John Brown, W. Shock, Chas. Jones, Herbert Tilton, Geo. G. Rainey, Peter C. Enner, A. Made, H. Gault, B. Stull, T. Fenton, G. Kloes, John Brasas, J. Conroy, Wm. Weller, J. Morrow, S. Kennedy, John Dunlap, Edward Kinzlow, Joseph G. Downing, O. W. Govern, Peter Curtis, Nattie Officer.

Francis Duffin, C. Tayler, James Coady, George H. Schini, jr., John Hagan, B. L. Mart, E. McManus, James Colfer, Henry Wright, Julius Piston, John McKeown, James Gamble, Frank Berman, Charles Fischer, John Mellon, Thomas McGovern, Frank Burke, E. Johnson, A. Jeitner, T. Smith, Jos. C. Pole, P. Sheridan, F. Dunlap, B. Davis, M. Trainor, J. Pristott, Philip Heary, Jacob Shepherd, Chas. Matthews, J. Daly, William Egnee, James O'Conner, John Enoch, Henry Bauers, Albert Ruston, T. Mude, T. White, W. Hanrichardson, James Rooney, Wm. Schoesser, George H. Schini, jr., C. Fener, M. J. Wozniak, H. Werner, S. Jackson, Patrick Magee, Wm. Wahl, Wm. Deery, Jno. T. Murphy, J. Smith, C. Miller, J. Reese, Chas. Henry, C. Kinslow, G. Watson, George Blany, R. Cartinight.

John Farley, J. Finn, P. Black, J. Shannon, J. McMeniment, I. S. Enoch, Thomas Burk, Thomas Shamon, James Wood, Adam McDermot,

Samuel Rice, Mathias Kermer, Thomas Sexton, B. Galliger, H. Bacon, T. Smith, Ed. McElroy, M. Lee, L. Grifis, Thomas McCusker, Daniel McElwee, John McElwee, E. Earley, Thos. Detweiler, W. Bunn, A. Chickler, H. Somers, Charlie Dill, Bernard Smith, J. Andrews, J. Carney, P. McGahan, W. Bell, Frank Willesey, Thomas Loughran, John Hannon, William Kelly, Hugh Carr, William Kurest, Wesley Brewer, William H. Black, jr., Frank Dool, James Gilbert, C. Netter, E. Clark, F. C. Baur, John Trefts, Anthony Duffy, Joseph Gorman, Harry Moran, James McGill, John McDonald, P. Gorham, F. Voldt, D. Ahern, E. Timlin, Jacob Comgard, S. Plancker, G. Kiter, Frank Shulds, D. Sexton, E. German, C. Laddie, J. Travis, J. O'Connor, W. Strunk, T. Harkshaw, J. Mullen.

**DISTRICT OF COLUMBIA, ss:**

I, D. Fulton Harris, a notary public in and for the said District, do hereby certify that I have compared the above list of names, etc., with the original list, and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,

*Notary Public, District of Columbia.*

(My commission expires January 4, 1904.)

---

**IRON WORKERS.**

AUGUST 31, 1899.

We, the undersigned fitters up and iron workers, do hereby certify that we are perfectly satisfied with the time and rates now in vogue in our department, and in consideration of the feeling of loyalty we possess for the Wm. Cramp & Sons' Ship and Engine Building Company, we do hereunder affix our signatures:

Contractors: George H. Shaw, J. F. Schofield, John Tollin, Edward Jacobs, E. R. Clinton, James Clinton, James White, W. S. Pike, Thos. Haley & Co., William Frith, Joseph Foster, John Anderson, A. Wallace, A. Baines, P. Shields, Wm. Lynn, James Johnson, M. A. Madden, A. Chambers, Merritt Higbee, John Mooton, Norris Higbee, James Nankine, John J. McGrachy, Charles Houck, David Young, Albert Whilt, George Fleck, John Shultz, John M. Smith, Walter Bateman.

**DISTRICT OF COLUMBIA, ss:**

I, D. Fulton Harris, a notary public in and for the said District, do hereby certify that I have compared the above list of names, etc., with the original list, and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,

*Notary Public, District of Columbia.*

(My commission expires January 4, 1904.)

---

**ELECTRICAL DEPARTMENT.**

AUGUST 31, 1899.

We, the undersigned employees of the Wm. Cramp & Sons Ship and Engine Building Company, are perfectly satisfied with the wages paid for our services and the number of working hours per day, and pledge ourselves to uphold the firm in every way and cause no trouble.

Chas. J. Dougherty, H. Dilks, H. Lauer, J. Michaelis, Michael J. Finlon, Sam Browne, Geo. Gardner, Harry C. Cox, Albert H. Thomas, John Rasmussen, C. S. Hattard, F. Smith, G. Okon, H. Shaffer, E. V. Holcroft, C. P. Cowgill, P. J. Sherwin, C. A. Flood, James Keating, H. Graham, B. Archer, Geo. A. Pierce, jr., C. Knollanch, William Booth, Wm. Rotam, Geo. C. Casey, Benj. Kirkpatrick, James Gill, Geo. A. Pierce, John Beaupain, M. P. Yoast, Lewis E. Rasmussen, George Hostman, Major Miller, John Carroll, Geo. Trainer, Charles Brauns, W. F. Dingler, W. H. Chatham, Edw. Bowers, Chas. Schaefer, H. E. Lane, Wm. McFarlan, Patrick Douney, John E. Wharton, J. Dowell, Kennard Gilbert, Harry L. Parks, J. McWhinney; total, 48.

## DISTRICT OF COLUMBIA, ss:

I, D. Fulton Harris, a notary public in and for the said District, do hereby certify that I have compared the above list of names, etc., with the original list, and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,  
*Notary Public, District of Columbia.*

(My commission expires January 4, 1904.)

## IRONWORKERS.

AUGUST 31, 1899.

We, the undersigned, fitters up and ironworkers, do hereby certify that we are perfectly satisfied with the time and rates now in vogue in our department, and in consideration of the feeling of loyalty we possess for the Wm. Cramp & Sons Ship and Engine Building Company, we do hereunder cheerfully affix our signatures.

Punch shop: Alfred Cramp, John Olvey, Daniel Webster, John W. Walker, George W. Tuttle, Edward Sterzer, Felix Casey, Edward Thursby, J. Dehnhard, William Cahill, James Tunlin, Hugh McFadden, Frank Fields, Joseph Belderback, Wm. Ervey, Harry Kirchner, Michael Gillen, William Sturgis, A. Anderson, T. H. Hackett, J. S. Thomas, H. Sheak, Joseph Wiley, James S. Wallace, Thos. Shaffer, John Grissim, Frank Carr, John Walt, James Gallagher, John Liddy, J. Fronil, P. Findley, H. Taylor, Frank Morris, George Hurst, Harry Macfrad, Albert Gregg, Charles Godshall, Wm. Coughlin, James Woods, L. M. Inman, Robert M. Gregg, Harry Tuttle, Michael Tobin, Edw. B. Thompson, John Haug, M. Deeck, E. R. Ford, T. Patrick, John Small, John Reilley, James Bogg, John Summ, Barney Gormon.

John B. Stafford, John H. Decker, Michael Schick, Jacob Mann, John W. Fields, John Hewitt, Ed. M. McDowell, Lous Demass, Thos. Smith, Peter Bossard, John Short, John Schumaker, James Brady, Frank O'Rourke, Patrick Reaph, John Callahan, D. Carroll, H. Playford, E. W. Lee, Dan Finnerty, Geo. Payne, Joseph Hill, Frank Koch, Henry Guev, J. M. Henderson, A. Acker, Thos. J. Noonan, M. Hugford, Walter Coombs, Hugh Meara, Frederick Whitely, John Ward, Patrick Britt, Harry T. Denney, Walter Denney, Joseph Doudell, F. C. Roe, T. Fitzpatrick, William Dee, Edward Bannan, J. Kennedy, H. Blumer, C. Rink, J. Spering, J. McKeane, Jos. McFarland, John Greenland, W. West, Chas. Saylor, George Morris, Rob. Gavin.

## DISTRICT OF COLUMBIA, ss:

I, D. Fulton Harris, a notary public in and for said District, do hereby certify that I have compared the above list of names, etc., with the original list and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1901.

[SEAL.]

D. FULTON HARRIS,  
*Notary Public, District of Columbia.*

(My commission expires January 4, 1904.)

## IRONWORKERS.

We, the undersigned, engineers, watchmen, conductors, and helpers do hereby certify that we are perfectly satisfied with the time and rates now in vogue in our department, and in consideration of the feeling of loyalty we possess for the Wm. Cramp & Sons Ship and Engine Building Company, we do hereunder affix our signatures:

Night gangs: E. C. Renner, Andrew Hill, William Glenny, George West, Jacob Hacker, Bernard McHugh, George Woodward, James Hannafy, P. Seward, W. Wiseman, Benjamin H. Phule, Wm. T. Kendell, Richard Murphy, John B. Smith, Benj. C. Thomas, jr., Harry H. Frankinback, Henry Strahle, John J. Townsend, Fred Seitz, Harry Booth, Thomas Robbins, John D. Adams, Enos A. Stratton, John

Hughes, Samuel Phriener, George Creamer, George W. Pote, Samuel Knox, John Shetzline, Frederick H. Fritz, Joseph Dene, John W. Cabett, Richard Mamiariny, Wm. Silverton, Elisha White, John Seward, James McCabe, Robert Culbertson, John Forsyth, Daniel Egner.

Levi Renner, Frank Baker, George M. Orem, Andrew J. Green, John Sullivan, George Lieb, James Grinin, P. Foley, Neal McGinty, P. Smith, W. H. Davis, Joseph Roman, D. Geary, R. Hill, W. Robinson, Frank Springer, J. Fitzpatrick, Edward Scott, A. Schmidt, J. Madison, M. John McEnnery, J. Coyle, N. Kenny, John Sammon, John Spellman, George Williamson, John L. Trantz, John Winkelman, H. B. Orndoff, Peter Knowles, Lawrence Conway, W. H. Davis, Owen O. Kratz, Robert Rich, George C. Shepherd, Peter Paterson, John G. Brenner, A. Buzza, J. Comas, G. Springer.

**DISTRICT OF COLUMBIA, ss:**

I, D. Fulton Harris, a notary public in and for said District, do hereby certify that I have compared the above list of names, etc., with the original list and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,  
*Notary Public, District of Columbia.*

(My commission expires January 4, 1904.)

---

**JOINER DEPARTMENT.**

We, the undersigned, employees of the Wm. Cramp & Sons' Ship and Engine Building Company, joiner department, do voluntarily show by our signatures that we are content with our present rate of wages and number of hours per day's work.

Very respectfully submitted.

Wm. D. Weaver, Jacob H. Rihl, Wm. G. Maag, James S. Wilson, Frank Lynn, John Wolsoncroft, Robt. J. Hall, S. Townsend, Jos. Beisswanger, Thos. Cockroft, J. Burns, George F. Buehler, Peter A. Harmer, Philip Jackson, Walter Brown, Thomas McGovern, Wm. W. Noblet, Augustus Schafer, Daniel Cathell, Frank D. Cathell, Henry Codville, Chas. E. Bennett, John Hovey, John W. Sheppard, Geo. Parcels, Wm. H. Poole, W. Albertson, J. Thornton, Jos. Moore, Ed. Roberts, Jos. W. Crawford, W. M. Robson, A. J. Geaegl, Al Nieman, Sam Bloch, F. M. Hugh, John Dougherty, Charles Cathell, Joseph Beck, Walter Coleman, John Hope.

**DISTRICT OF COLUMBIA, ss:**

I, D. Fulton Harris, a notary public in and for said District, do hereby certify that I have compared the above list of names, etc., with the original list and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,  
*Notary Public, District of Columbia.*

(My commission expires January 4, 1904.)

---

**CARPENTER DEPARTMENT.**

We, the undersigned, employees of the carpenter department, wish to certify that we are fully satisfied with the rate and number of hours now in vogue, and owing to the loyal feeling existing for the Wm. Cramp & Sons' Ship and Engine Building Company do hereunder fix our signatures.

J. B. Farrell, O. J. Torbert, Saml. Shubert, Alfred Smith, C. Burton Ward, Chas. Adams, John Costello, A. Stokes, Geo. W. Hudson, Jim Brady, Walter Messick, Harry McCartle, A. Dustman, D. Robertson, John McEwen, James Gordon, Harry Gamble, Geo. Evans, Harry Morris, Thomas Mayne, I. S. Newcombe, Theo. Sheppard.

## DISTRICT OF COLUMBIA, ss:

I, D. Fulton Harris, a notary public in and for the said District, do hereby certify that I have compared the above list of names, etc., with the original list and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,  
Notary Public, District of Columbia.

(My commission expires January 4, 1904.)

## HULL ENGINEERING DEPARTMENT.

PHILADELPHIA, August 31, 1899.

Mr. E. S. CRAMP,  
Superintendent Engineer.

SIR: We, the following employees of the hull engineering department of William Cramp and Sons' Ship and Engine Building Company, are perfectly satisfied with our present conditions with regard to the number of working hours and wages we receive.

Respectfully,

J. Tynan, Robt. Pidgeon, J. McSorley, E. Marley, John H. Bowden, H. L. Barnard, H. C. Mastiller, Henschleft Harrop, Robert Neely, M. McKinney, L. Mood, J. H. Diamond, John Pollard, Walter Wyld, John Calhoun, John McCrane, Edw. S. Adamior, J. Pigeon, James Wharry, Charles Mayberry, Wm. Schumaeker, Robert Kennedy, John Whalen, John H. Walsh, W. F. Comfort, H. T. Kincaid, John Moran, I. Grace, R. Dalton, J. Gaskin, J. Kehoe, H. D. Compton, E. G. Furman, Geo. Cochrane, George Stute, Kennely Brown, G. Nugent, S. McCrea, R. Metzger, Tim Sheehan, Chas. Sehleich, Ed. Dohms, G. Carney, Jno. J. Creeden, David Beckett, Michael Leary, Louis Fettig, Thos. Percy, John W. Stainton, Wm. J. Huttenlock, W. F. Casey, Chas. Lutz, Joseph Sraynor; A. (his x mark) Galligan, witness H. Harrop; J. Just, B. Butterworth, James McKinney, Howard Gibbs, John Collins, W. Stinzel, H. Kolb, J. Cunningham, C. Reed, C. Smith, R. Miller, W. Stafford, H. McGonigal.

W. Mathews, C. Fyffe, E. O'Brien, Jas. Salter, Chas. Stanford, W. Davis, W. Smith, John J. Miles, D. McNaughton, H. I. Lewis, Wm. Mayer, Chas. M. Sorley, Niel Boyle, David Keffer, M. T. Stoffel, C. Pedrick; P. (his x mark) Burns, witness J. McSorley; O. Fleik, E. Heist, Jos. Cox, C. Mehlmany; T. (his x mark) Stetzell, witness J. McSorley; George F. Weinman, R. R. Sterne, Henry Donnelly, James M. Foster, jr. Jos. Morrill; J. L. (his x mark) Nickel, witness, Geo. Stuters; L. Reed, Hy. Clarkson, L. Myers Mull, James Mulholland, Peter McCrystall, Walter Grimwood, Thomas McElhinney, Leonard Leicht, J. C. Chapman, John Griffin, Harry Allway, George Mahorn, Chas. Roth, Charles A. Frey, T. H. Stenhouse, Alex. Campbell, John Geisner, B. A. Neill, Thomas Berry, Tim Keating, E. J. Melven, J. Deeck, Frank Fleming, Frederick Ansell, John J. McDermott, D. J. Cox, John Lewis, James Lovekin, George Wassner, Robert W. Williamson, James Magee, C. T. Nordgren, E. H. Bolestridge, S. Clarke, James Kennedy, Frank McGurk, James Glenn, James Creevey, Arthur Hunter, G. Kochesperger, M. Lynch, Chas. Hopkins; J. (his x mark) Traynor, Elliott Leviness, Michael Lally, T. H. Alcorn, J. D. Thomas, J. Smith, S. Greenlee, Frank Bolen, Anthony Wilkinson, Wm. Montgomery, H. Miller, Jos. Kelly, O. R. Hughes, Ed. Dalmado, R. M. Day, Wm. Kreisher, M. B. Holden, M. Murray, Thomas Husonofy, Robert Archbald, Paul Sheehan, Michael Calnan, Geo. Mosley, E. Kiely, Wm. H. Finch, E. Agnew, R. Kauffman, M. Christian, George J. Gillespie, Martin Brennan, William Welsh, J. L. Sterne, Wm. Smith, Thomas Moore, William News.

Bell-hanging department: Wm. Cartwright, Ed. Morley, Harry Stedman, George W. Hill, C. V. Landis, C. Worth, Geo. J. Melvin, Chas. Birch, Henry Melvin, Charles Esslinger, Pullon. Coppersmith department: J. Lamb, C. Griffith, James Boyce, Patrick Grady, Wm. R. Heller, Chas. Grig, John Devine, John Donnelly, John Tourish, Jas. W. Whitehead, George Allen, H. Lindau, J. F. Lamb, J. Brookes, Thomas Cunningham, Chas. S. Smith, Eugene E. Richberg, Geo. Heid, John

O'Neill, Patrick Leary, P. Cavanaugh, Matthew Murphy, Samuel Weiser, Charles McKay, Brownside Corson, Arthur Hackett, Harry Lavin, Jas. Tourish, James C. Aelfel, Ed. Boyle, A. James Enwright, W. McLoughlin, Owen Crosby, Louis Evans, Ed. Hagan, H. J. Henneberry, E. Crossain, F. Sheehan, F. Zimmerman, Robert (his x mark) Cody, T. Murphy, J. Doyle, N. (his x mark) Thomas. Ventilating department: P. F. Conroy, J. H. Kreckmann, Wm. Driscoll, Jesse Turner, Fred Miller, A. McKnight, E. Wolfinger, C. Houder, T. A. Maloney, M. Needham, B. Burdsall, Edward Gray.

## DISTRICT OF COLUMBIA, ss:

I, D. Fulton Harris, a notary public in and for said District, do hereby certify that I have compared the above list of names, etc., with the original and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,  
Notary Public, District of Columbia.

(My commission expires January 4, 1904.)

## IRON WORKERS.

AUGUST 31, 1899.

We, the undersigned fitters-up and iron workers, do hereby certify that we are perfectly satisfied with the time and rates now in vogue in our department, and in consideration of the feeling of loyalty we possess for the Wm. Cramp & Sons Ship and Engine Building Company we do hereunder cheerfully affix our signatures:

Drilling department: E. Cummings, J. Reinner, J. Pricee, W. Mathews, J. Wilson, A. Hines, P. Hannell, G. Linde, C. Williams, H. Page, D. Splan, W. Price, P. Smith, R. Millard, H. Fredricks, H. Fralyer, M. Carroll, E. Crosson, J. Peterson, W. Knapp, W. Gray, W. Leggs, S. Foster, H. McDermott, J. Archer, S. Massic, W. Cumming, B. Rocks, S. Hexter, W. Foley, W. Strousser, J. Sixsmith, M. Sweeny, D. Fenton, E. Maginnes, H. Ellis, J. Kennedy, W. Irwin, F. Gillespie, J. Warington, G. Trout, H. Levy, H. Branner, F. Richmond, H. Harvey, J. Truett, B. Wood, H. Glazier, S. Eager, J. Powell, F. Jackson, H. Buck, W. Nocterback, J. Dacger, H. Baine, R. English, C. Townsend, M. McFoley, J. Knapp, W. Nugent, W. McAlleer, G. Francisco, J. Foster, E. Caines, T. Timmay, G. White, T. Carry, J. Roberts, T. Carroll, D. Bowman, G. Richmond, W. Rinner, G. Allan, ——— McNamee, F. Libe, P. Johnson, J. Linde, W. Smullen, H. Knob, J. Howard, W. Moore, J. Ellis, W. Hamilton, D. Bradley, R. Strachan, T. Tong, M. Matyger, W. Vandusen.

## DISTRICT OF COLUMBIA, ss:

I, D. Fulton Harris, a notary public in and for the said District, do hereby certify that I have compared the above list of names, etc., with the original list and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,  
Notary Public, District of Columbia.

(My commission expires January 4, 1904.)

## ERECTING DEPARTMENT.

We, the undersigned, machinists of the erecting department, do hereby certify that we are perfectly satisfied with the time and rates now in vogue in the department, and in consideration of the feeling of loyalty we possess for the Wm. Cramp & Son's Ship and Engine Building Company we do hereunder cheerfully affix our signatures.

Wm. Stockman, A. D. Mason, A. T. McGinn, J. A. Luttenbacher, Thomas Gillovly, Adam Kerr, Jacob Clunn, Jacob Seibert, Wm. Brenstedt, James Gibbons, J. Marra, Wm. Graham, H. Olsen, L. McDermott, A. G. Sandstrom, R. Hassiepen, A. D. Saulter, J. Sheckfield, Thos. McKenna, George Gaul, James O'Neil, William R. Walter, A. C. Marfie, John Schlosser, Hiram Heydolph, M. J. Riordan, T. Mulling,

Hugh Kirkwood, George W. Wood, N. Polianich, J. M. Sweeney, Wm. Henderson, J. Craven, Guvanich, John Coady, Michael Annesley, H. Evans, A. Corsons, Joseph W. Siddons, J. H. Clemens, J. R. Polk, S. L. King, Geo. Amey, John Polianich, T. Polk, W. W. Sergeant.  
 P. Hart, John Pearson, Chas. List, Harry W. Lukens, Fred Freund, H. K. Carter, James F. Ashworth, H. M. Culp, B. Smyth, M. M. Vaughn, J. A. Mediaffey, L. Driscoll, S. Evangich, P. H. McKeever, Wm. Gorman, J. Ellis, P. Gaynor, P. Reinohl, A. W. Shultz, E. Smith, T. Flanagan, T. Hanley, John Lussbury, C. Grotz, H. Heise, W. Kennedy, G. Tufts, Wm. H. Ward, J. Fanning, E. C. Fritz, J. W. Smith, T. McTamany, Jas. H. Lamb, Michael Davis, J. H. White, T. McCallen, R. T. Derby, Ed Wood, Joseph J. Keley, James Finn, C. Grant, G. Cass, Chas. Bennett, J. B. Shoe.

## DISTRICT OF COLUMBIA, ss:

I, D. Fulton Harris, a notary public in and for said District of Columbia, do hereby certify that I have compared the above list of names, etc., with the original and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,  
*Notary Public, District of Columbia.*

(My commission expires January 4, 1904.)

## BRASS FOUNDRY DEPARTMENT.

PHILADELPHIA, PA., *September 7, 1899.*

To B. H. CRAMP:

We, the undersigned, comprising all the employees of the brass foundry department of the William Cramp & Sons' Ship and Engine Building Company, deny emphatically that we were in any way represented in the delegation received by Mr. Charles H. Cramp, as stated in the issue of the Press of September 7, and further deny that there exists any dissatisfaction or grievance under their employment with the company. At the same time take this opportunity of expressing a vote of confidence in their manager, Benjamin H. Cramp.

Wm. A. Taylor, Dana Lyster, Thomas Delaney, Saml. Folmer, C. Ritter-son, James Maguire, Wm. Denhem, Theo. Taylor, Wm. C. Higgins, H. R. Haus, Sam. Bullock, James Crouch, Samuel F. Grives, Stanley Ferguson, Hamp Webb, Geo. Howard, Wm. M. Lyster, Conrad Smith, Julius Klein, Howard M. Potts, Peter P. Tuttle, C. J. Russell, E. F. Drummell, jr., G. Kohlen, Thos. P. Young, Patrick Hughes, John Rice, Geo. W. Gerstneker, H. Link, John F. Keyser, Fred Klein.

Hugh Hays, John Black, John D. Lett, E. Dudley, Edward Webb, Wm. J. Berens, M. Frieborn, Alexander McIlhery, George Crager, Wm. S. Baude, P. McIntyre, Bart. Mahoney, John Bowe, James Cunningham, Wm. Daugherty, Joseph Masterson, John McFadon, James Carroll, Patrick Buckley, Patrick McClellan, Francis O'Neill, M. Connell, P. J. Cunningham, M. F. Layre, Frank Wilson, James Gillespie, jr., Patrick McElhatton, Chas. Bridge, Jacob Kinkel, J. Branan, Peter Maguire, Thomas Welsh, E. F. Walter, H. Herron, Wm. Wallace, Harry Thomas, P. McIrre, John Deiweiler, G. Grant, Thomas Murphy, Samuel Work, Harry Reynolds, James Martin, James Craemer, Joseph Sweeney, Thomas P. Ellis, Henry W. Griffiths, Michael Murray, Peter Weidman, F. R. Walters, Joseph DeSouter, Frank Russell, James McCann, Joseph Dunncliff, Jas. Wilbury, Patrick McDonough, James Mallon, James K. Mitchell, Harry Colte, John Rennery, John Bradley, Charles Mallon, James Wilson.

## DISTRICT OF COLUMBIA, ss:

I, D. Fulton Harris, a notary public in and for the District of Columbia, do hereby certify that I have compared the above list of names, etc., with the original list, and find it a true and correct copy.

Given under my hand and official seal this 11th day of December, A. D. 1902.

[SEAL.]

D. FULTON HARRIS,  
*Notary Public, District of Columbia.*

(My commission expires January 4, 1904.)



Mr. DREW. Mr. Chairman, I am here to-day principally to take Mr. Emery's place, who has been called out of the city, but who will return in a day or two, and I especially represent the National Erectors' Association. I might add that that association is composed of the large manufacturers and erectors of structural iron and steel in the United States. The members of that association probably manufacture and erect 80 per cent of all the structural iron and steel used in this country. I also represent the three iron associations of New York City, who erect substantially all the iron and steel erected in New York, excepting that put up by members of the National Erectors' Association, and our people are strenuously opposed to this measure; in fact, so much so that they say they could not take Government work if the bill became a law. I have with me to-day, as a practical man whom I want to talk to you a little while, Mr. W. C. Post, of the firm of Post & McCord, of New York City. These gentlemen are the largest erectors of structural iron and steel in the city of New York, and probably in the State of New York.

**STATEMENT OF MR. W. C. POST, VICE-PRESIDENT AND TREASURER OF THE FIRM OF POST & McCORD, NEW YORK CITY.**

Mr. POST. Mr. Chairman, as Mr. Drew has stated, we are engaged in the business of contracting for and erecting structural steel work on buildings in and about New York City. We have had a great many contracts in the past few years, very few of which have been Government work. In the prosecution of our work, after obtaining a contract, we have to place the orders with the rolling mill; next, after the rolling mill has rolled the material, it consists, as we call it, of raw material, the anchors, the beams, the channels; they go to the bridge shops and are there fabricated, and from the fabricating shops they go into the field of a building site and are put up by the iron erectors. In the first place, if this eight-hour bill becomes operative, I believe we will be unable to secure any steel from any of the present rolling mills, because they all tell us that it is impossible to run a steel mill on an eight-hour basis.

Mr. DREW. Let me ask you, Mr. Post, if this eight-hour law would apply to the steel that you would order from a rolling mill?

Mr. POST. Yes.

Mr. DREW. Could you not buy it in the open market?

Mr. POST. We could not, for the reason that all of the steel has to be manufactured to comply with the specifications. The specifications are such that the ordinary stock material, as we call it, would not fulfill the requirements of the specifications and, furthermore, it is necessary to order our material to exact lengths and sizes and weights, so that the first thing we do is to make a bill of material specified against that particular contract; we send that to the mill, and that is manufactured subject to the inspection of the Government inspectors, and from there it goes to the bridge shop. No rolling mill that I know of in this country, and I am sure such a rolling mill does not exist, is working on the eight-hour basis, and should we secure a Government contract and endeavor to get them to work on the eight-hour basis, they would simply refuse our order.

In the next place, after the material is secured and goes to the fabricating shop, we could not find a bridge shop in the United States that is working on an eight-hour basis.

Mr. DREW. What do you mean by a fabricating shop; what do they do to the material in the fabricating shop?

Mr. POST. The material, as it comes from the mill, is a plain, structural shape; it goes to the shop and has a lot of holes put through it and then the parts are assembled—the plates and channels and anchors—and they are made into a finished beam such as you see going into buildings.

Mr. DREW. Do all these holes have to be made and all the other work done according to particular specifications?

Mr. POST. Yes, sir; it has to be done in accordance with the specifications, and very accurately done.

Mr. DREW. Could you buy that fabricating material in the open market to comply with any contract you might have?

Mr. POST. That would be impossible. Every column in that building has to have a certain number of specified inches and has to have certain sizes and lengths and has to have certain connections, and all other materials going into the building. Such a thing as buying them from stock would be an absurdity.

So the next proposition we would be up against, even if we could secure the material, which I know we can not, would be to find a bridge shop to fabricate the material for us, and as the percentage of private work, such as railroad work and building work for private owners, so far exceeds the amount of structural work being furnished and built for the United States Government, no shop would consider for one moment putting their shop on an eight-hour basis; they could not afford to do it and compete with other work.

Mr. DREW. Then do I understand you to say that if you took a Government contract and attempted to turn about and subcontract for fabricating steel with which to complete your job you would find it utterly impossible to find anyone who would furnish you the same?

Mr. POST. I do not believe it could be done.

Mr. PAYSON. Let me ask you this question: Suppose, now, leaving the original contractor out of view altogether and assuming that the Government would attempt to do this work itself without your intervention, would not the Government find precisely the same difficulty in dealing with these manufacturers of the material down below that you find, and hence it would be impossible for the Government, in doing its own work, to get this material?

Mr. POST. The only way the Government could get the material would be to manufacture it itself.

Mr. PAYSON. That is right; that is what I wanted to bring out.

Mr. DREW. Let us press that point further. What you have said would apply to private work?

Mr. POST. Yes, sir.

Mr. DREW. You would add to these facts the further fact that the Government always has tests and certain specifications, more than the ordinary contract contains? What effect would they have?

Mr. POST. That would make it all the more difficult to purchase material. In purchasing materials, we find that the rolling mills are asking from \$2 to \$5 a ton more for the same materials manufactured under the Government specification than the price they ask under the so-called manufacturers' standard.

Mr. NICHOLLS. What is the cause of that, would you say?

Mr. POST. The cause of it?

Mr. NICHOLLS. Yes.

Mr. POST. It means putting through a special order of the small amount of material, manufacturing it specially, and the requirements are so rigid that they claim that they can not manufacture it at the same cost, or at least they do not want to be bothered with it.

Mr. NICHOLLS. That is construction iron?

Mr. POST. Yes; and construction steel.

Mr. DREW. We will go back to our assumption that you get the material delivered on the ground. What can you say as to the effect it would have if a law were passed absolutely prohibiting the employment of anybody on the building more than eight hours in any one working day?

Mr. POST. It would greatly hamper the operation of the building and very materially increase the cost, for the reason that as the building progresses, for instance, the steel work comes to the building. The dimension work may have progressed to a point where it is very essential to have that steel, but if we were restricted to an eight-hour day, we could not make up time which may have been lost in some previous stage of the work.

The CHAIRMAN. Are you speaking now of a Government building?

Mr. POST. Of any building on the eight-hour basis.

Mr. DREW. I asked him what effect it would have if, after the steel was delivered, they were not allowed to work more than eight hours a day.

The CHAIRMAN. The fact is that on Government buildings that is the law now.

Mr. DREW. Yes; that is true.

Mr. POST. Do they not work overtime on Government buildings?

The CHAIRMAN. I can not tell you what is done. I know what the law is, and in California there have been some convictions for violation of it.

Mr. POST. I have not worked on a Government building of any size since the appraiser's store, which was three years ago, but I am sure there we worked overtime, paying the men time and a half for overtime work.

The CHAIRMAN. Do you remember whether that was before or since August, 1892?

Mr. POST. It was about that time—no, it was 1896 we put up that building.

The CHAIRMAN. Where was that.

Mr. POST. In New York City, a big building with many thousands of tons of steel.

The CHAIRMAN. For the United States Government?

Mr. POST. For the United States Government.

The CHAIRMAN. On Government land?

Mr. POST. Yes, sir.

Mr. DAVENPORT. Do you know whether any special permission was obtained for that?

Mr. POST. I could not say, sir.

Mr. DREW. Does a general eight-hour work day obtain in the building trades in the great cities?

Mr. POST. Our men work eight hours a day, and we pay them for overtime at the rate of time and a half.

Mr. DREW. The eight-hour day simply determines the wage?

Mr. POST. That determines the wage.

Mr. DREW. The wages are paid on the basis of an eight-hour day?

Mr. POST. On the basis of an eight-hour day, and in periods of prosperity such as we have just passed through, and when all men are busy, so many people are pushing their work and paying overtime that we have actually been compelled, in order to get the right kind of mechanics and to get our work ready, to resort to an overtime basis where we did not need to do so to complete the work on time.

Mr. DREW. You mean the men insisted on working overtime?

Mr. POST. We could not get them unless we paid overtime wages.

Mr. DREW. In other words, the mechanics themselves in the building trades in your work, according to your personal experience, desire the overtime jobs?

Mr. POST. They certainly do.

Mr. DREW. And will they not leave a job where no overtime is being made and go to a job where the contractor is working overtime?

Mr. POST. Yes, sir.

Mr. DREW. And if you were limited to an eight-hour day on a Government contract in a busy season, would you find it difficult to obtain men to work on that job?

Mr. POST. I think if we had been engaged on a Government contract last summer, we would have found it almost impossible to get the men. Men who on the average would get \$24 a week were getting \$50 and \$60 a week.

Mr. DAVENPORT. Are these men union?

Mr. POST. Some union and some nonunion.

Mr. DAVENPORT. Do the unions permit and approve of that kind of work?

Mr. POST. Yes; they insist on it.

Mr. DAVENPORT. There seems to be a difference between the practice of the unions and the representatives of the unions.

Mr. DREW. Are you familiar with union agreements in New York City, Mr. Post?

Mr. POST. Yes, I am; up to about two years ago we were working on an agreement with the union.

Mr. DREW. Have you ever seen a union contract that did not make special agreements for overtime work?

Mr. POST. No; I have not.

Mr. DREW. Have you ever worked a union gang that did not insist on it?

Mr. POST. No; they always insist on it.

Mr. NICHOLLS. Let me ask one question: I am in doubt as to your last answer. Do you mean to say they insist upon working overtime, or insist upon getting the time and a half when they are required to work?

Mr. POST. They insist upon getting time and a half—double time in some trades.

Mr. NICHOLLS. But do they insist on doing overtime?

Mr. POST. No; but they leave buildings sometimes, where there is a good opportunity to get overtime work somewhere else.

Mr. DAVENPORT. But no union that you know of is so solicitous for the health of its men that it forbids them working overtime?

Mr. POST. No; I can not imagine such a thing.

Mr. DAVENPORT. All those contracts provide that they may?

Mr. POST. Yes; that they may; and they let them work twenty hours a day if they want to.

Mr. DAVENPORT. With whom are these contracts made?

Mr. POST. With private parties, mostly.

Mr. DAVENPORT. With the officers of the union?

Mr. POST. In New York City, about the only trade in which there is no agreement with the union is the Housesmith's Union, which we employ.

Mr. DAVENPORT. You make your agreement with the officers of the union?

Mr. POST. Yes; we make our agreements with the officers of the union?

Mr. NICHOLLS. What, in your opinion, is the reason for the unions inserting in their contracts the requirement that if overtime is worked it must be paid for at a higher rate than the work done in the regular hours?

Mr. POST. For the simple reason that they can get it.

Mr. NICHOLLS. Are you sure that it was not for the purpose of placing a penalty upon the employer for requiring them to work more than eight hours?

Mr. POST. No; they have never so stated, and I have attended several conferences in arranging agreements with the unions.

Mr. NICHOLLS. Would you consider it a fair proposition—

Mr. DREW. I submit that he ought to be allowed to answer it.

Mr. NICHOLLS. I thought he had finished his answer. Have you completed your answer?

Mr. POST. Yes; I had finished.

The CHAIRMAN. We are not perfectly clear about the witness' understanding as to why that clause is put in.

Mr. DREW. From your experience in promoting union agreements and employing union men, is the reason for the overtime agreement to discourage from employing men overtime?

Mr. POST. No; I do not think so; they simply know they can get it and they will insist on it.

Mr. DREW. They will leave a job where they can not get it and go to a job where they can get it?

Mr. POST. Yes.

Mr. DAVENPORT. Is the work done during the overtime less efficient than the work done during the first eight hours?

Mr. POST. No; I think our costs, even paying overtime, are less than they are when paying the straight time, for the reason that any piece of work that goes along to that conclusion you can do much more economically; and, furthermore, by paying the overtime we are enabled to select our men with a greater degree of care than we could otherwise, because the very fact that we are paying overtime and that the wages are higher draws a better class of men to that work.

Mr. DAVENPORT. During the first eight hours is the work of the men any better than it is during the overtime?

Mr. POST. That I could not tell you; we do not keep our costs that way.

Mr. DAVENPORT. Would it be less efficient than in the other hours?

Mr. POST. Each week our time is turned in, and also the tonnage of material set, so we know what we have done by the week, and we know that a man working on a ten or a twelve hour basis does better work than the man on an eight-hour basis, because he is trying hard to keep on the job.

Mr. NICHOLLS. In your opinion, are the men themselves more anxious to work the overtime than they are to work the regular time.

Mr. POST. I am sure they are.

Mr. NICHOLLS. Can you get them to work that overtime for the same pay as you could get them to work the regular time?

Mr. POST. I have not tried it.

Mr. NICHOLLS. As a matter of opinion, do you think you could?

Mr. POST. I do not think I could now, because we have been paying them the time and a half, and even since we have been working on the open-shop basis we still continue to pay them the same rate.

Mr. NICHOLLS. Then they value the overtime at a higher rate than the regular time?

Mr. POST. Oh, yes.

Mr. DREW. I was going to ask something about the number of rivets that an iron worker could drive in a day. Somebody said 1,400 a day, and I was going to ask Mr. Post what number he got under normal conditions.

Mr. POST. I do not think, Mr. Drew, the comparison is fair, for the reason that the rivets on structural work and ship work are entirely different. In one place a man has to build a scaffold and then build another scaffold and go somewhere else. I will say that the efficiency of the men under the open-shop condition has been higher, and where we never could, under any circumstances, get over 200 rivets a day, it would be 300 and 350 now.

Mr. NICHOLLS. Do you consider that this is a question of the open shop or the closed shop?

Mr. DREW. No; it is not pertinent, I conceive that.

Mr. PAYSON. Mr. Chairman, I do not by any silence acquiesce in that proposition, because it has been openly announced by the members of organized labor that it had two objects—one to secure the universal eight-hour day in every industrial establishment in the Union, and, secondly, the closed shop, practically; that is to say, it was stated time and time again by Mr. Gompers and Mr. O'Connell.

Mr. NICHOLLS. But is there anything in the bill that would justify the claim that this bill requires any more than the limitation of the work?

Mr. PAYSON. No; except the effort which will be immediately made to have this extended to all branches. I have followed this thing from the beginning, both before this committee and before the Senate committee, and I believe I have a better understanding of it than you do, for you are a tyro in this thing yet. I believe that it is an unwarranted attempt to do indirectly what Congress would never dare to do directly.

Mr. NICHOLLS. In what way would you infer that it has anything whatever to do with the closed-shop question?

Mr. DREW. Except that you pinned Mr. Mull down to the point that they had no union men in the Cramp yards and made it a point on the record.

Mr. NICHOLLS. Some one else asked him about that, and I asked him a question to qualify it, with the idea of qualifying the statement.

I was not clear, according to the question asked, and I asked another one myself.

Mr. DREW. One immaterial thing to balance another.

Mr. NICHOLLS. I think the record will show I did not bring it up.

Mr. TRACY. You state that prior to some three or four years ago your company was in working agreement with the members of the union, the Bridge Construction Iron Workers' Union?

Mr. POST. Yes, sir.

Mr. TRACY. Is it not true that at the present time you are in disagreement with them over the question of hours and the question of wages?

Mr. POST. No, sir.

Mr. TRACY. You are not in disagreement with them at the present time?

Mr. POST. No; I do not think the chairman wants me to go over the troubles with the Housesmith's Union.

Mr. DREW. You can make a brief statement covering that along as the question is raised.

Mr. NICHOLLS. I do not see that it has anything to do with the question, and I object.

The CHAIRMAN. The gentleman says they are not in disagreement with them, and that answers the question.

Mr. POST. I will say that the union men are working for us with the nonunion men, and they are working side by side.

Mr. DREW. Do you know whether they voted to do so?

Mr. POST. They did. I will say further that they were in disagreement with us for over a year and a half. They deliberately broke their contract—struck against us—and refused to arbitrate. We fought it out and they came back to work for us, together with all the other New York firms.

Mr. DREW. I will ask you whether you are familiar with the New York eight-hour law providing that public work in New York must be done on the eight-hour working day basis?

Mr. POST. New York has even a more drastic law than this one. It requires that not only shall you work eight hours, but you must pay the particular wages that obtain in the neighborhood where the work is done. In other words, if we have work in Pittsburg, and go there to do it, it is necessary for us to pay the wages which are in vogue around that vicinity of the country.

Mr. DREW. May I ask if your firm has adopted any policy in bidding on public work on account of this law?

Mr. POST. Yes; we have stopped bidding on municipal work—that is, work for New York City, on account of the eight-hour law; we can not comply with the eight-hour law.

Mr. DREW. Do you know whether there is any controversy pending at present in New York on account of this law; any complaint made of violation, to your knowledge?

Mr. POST. In another trade, yes. In a part of the city buildings, the school buildings, the carpenters have been purchasing the trim for the buildings, the trim that goes around the windows and doors, from out-of-town shops working nine and ten hours, hoping that they would get the material through and not get caught, I suppose; I can not imagine anything else for it. At any rate, the material has come to the building and the building has progressed to a certain stage of completion.

Mr. DREW. Can you tell me what kind of laborers brought this building to that certain stage of completion, union or nonunion?

Mr. POST. The carpenters' union has filed a complaint against the contractors using this trim.

Mr. NICHOLLS. I would like to ask on that point what information do you intend to give to the committee, or what bearing do you expect it to have as between union men and nonunion men?

Mr. DREW. The work on this building was done entirely by members of the carpenters' unions of New York, working under agreement with the master carpenters of New York City. A disagreement arose between the union men and their employers. After that disagreement, the union men filed complaints against this building on account of the violation of the eight-hour law, but have now said that they would take back those complaints if the masters' would come to an agreement with their unions, using the law as a lever.

Mr. NICHOLLS. Do you think it affects this case at all; is not the law the real thing, after all?

Mr. POST. It affects the law in this way, it has a tendency to tie up the work on the Government building just the same as the New York City work is tied up now.

Mr. NICHOLLS. Does that make any difference, whether the complaint is made by union men or nonunion men? The law remains the same in either case.

Mr. POST. You could go and make a complaint on nearly every building in New York City on municipal work.

Mr. NICHOLLS. The law is the thing to govern the work.

Mr. DREW. This has something to do with the motives, if they are willing to wink at the law as long as they are at peace with the masters and then take it back as soon as they have a disagreement.

Mr. NICHOLLS. Not with the law.

Mr. DREW. We have not the law yet, but if we have the law.

Mr. NICHOLLS. I say that the real question for argument is the wisdom and the practicability of this proposed law, and I think it would be wise to adhere to that; it has been generally done up to this time.

Mr. DREW. I would offer the testimony as a fact that the eight-hour law has been constantly winked at, and with the full cognizance of those who secured its passage, in the city of New York. That would certainly be a fact that is pertinent.

Mr. HAYDEN. Tending to show its impracticability.

Mr. DREW. My statement of fact in regard to the situation in New York was true, was it not, Mr. Post, from your knowledge?

Mr. POST. Yes; from my knowledge, I am sure it is true.

Mr. HASKINS. That simply goes to the character and the motive of the men who are demanding this kind of legislation.

Mr. POST. We are trying to show you gentlemen of the committee what you are going into if you are going to pass this kind of a law. The comptroller has held up a great many contracts in New York City on account of this matter, and the master builders of New York have taken the matter to the Supreme Court, and the case is now being tried and they are praying and hoping for an early decision, and until such a decision is reached we have absolutely refused to bid on any municipal work.

(Thereupon, at 4 o'clock p. m., the committee adjourned until to-morrow, Wednesday, February 26, 1908, at 2 o'clock p. m.)



SUBCOMMITTEE ON LABOR No. 1,  
HOUSE OF REPRESENTATIVES,  
*Wednesday, February 26, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. EUGENE CLIFFORD GRACE, GENERAL SUPER-  
INTENDENT OF THE BETHLEHEM STEEL COMPANY, OF SOUTH  
BETHLEHEM, PA.**

The CHAIRMAN. Give your residence and occupation to the stenographer.

Mr. GRACE. My residence is Bethlehem, Pa., and I am at present employed by the Bethlehem Steel Company, in their service as general superintendent of the said company.

Mr. HAYDEN. How long have you been employed by the Bethlehem company, and in what capacity?

Mr. GRACE. I have been employed since the middle of the year 1899, in various capacities, from the bottom to my present position.

Mr. HAYDEN. In what position did you begin your work for the Bethlehem company? Just describe.

Mr. GRACE. I began first as repair man in our electrical department, necessitating services of machinist ability, and from that beginning I have worked practically through all of our various departments, in most subordinate positions, positions of authority, and so forth.

Mr. HAYDEN. How many laborers and mechanics does the Bethlehem company employ at present?

Mr. GRACE. Nominally we have a roll at this time of 6,000 men.

Mr. HAYDEN. What is your normal roll?

Mr. GRACE. Our normal capacity in working to the full capacity of the plant would be in the neighborhood of 10,000.

Mr. HAYDEN. Outside of the office force, or administrative officers of the company, have you on your rolls workmen belonging to classes other than laborers or mechanics?

Mr. GRACE. Not as I would interpret, from a manufacturing standpoint; no, sir.

Mr. HAYDEN. Not as those terms are known in manufacturing?

Mr. GRACE. No; not as they are known in the steel industry. Every man, in my judgment, working in operations in the manufacturing end of a steel plant is undoubtedly a mechanic or a laborer.

Mr. HAYDEN. What is the business of the Bethlehem Steel Company?

Mr. GRACE. The manufacture of steel of all grades, of all kinds, and of all qualities. We are heavily engaged, naturally, as you all know, in the manufacture of ordnance material for the United States Government, as well as some foreign governments.

Mr. HAYDEN. That is a specialty of yours?

Mr. GRACE. That is a specialty.

Mr. HAYDEN. What percentage of your entire business is made up of work done under contract for the United States?

Mr. GRACE. At the present time, during the year 1907, we manufactured—our total output would be represented by—about 3 per cent of Government work.

Mr. HAYDEN. What is the normal proportion of Government work to your total output?

Mr. GRACE. That probably would represent the normal at this time. It has been gradually decreasing for the last several years. I believe in the last five years we probably have decreased in the proportion of our output of Government work from one-third to about 3 per cent.

Mr. HAYDEN. Is that due to the decrease of the Government work, or to the increase of your commercial work, or to both causes?

Mr. GRACE. To both causes.

Mr. HAYDEN. What work have you now in progress under contract with the Government?

Mr. GRACE. The manufacture of armor plate.

Mr. HAYDEN. For naval vessels?

Mr. GRACE. For naval vessels, for our largest battle ships, gun work of all sizes, principally at this time, however, of the largest caliber for the Navy, and parallel work on our books for the Army.

Mr. HAYDEN. Do you make projectiles?

Mr. GRACE. Various accessories, such as ammunition hoists, turret mounts, gun mounts, steel caisson work for the Army, projectiles; practically all classes of ordnance manufactured by a steel company.

Mr. HAYDEN. Which, if any, of the materials which you manufacture under contract with the Government are obtainable in open market?

Mr. GRACE. There are none of them manufactured at our plant that would be obtainable in open market.

Mr. HAYDEN. That is, none of them could be disposed of by you to the general trade if the Government did not purchase them from you?

Mr. GRACE. No, sir; exactly so.

Mr. HAYDEN. If the Government did not give you contracts?

Mr. GRACE. Absolutely not. They are all made under contract for the Government and are not open-market commodities.

Mr. HAYDEN. In the manufacture of such things as guns, breech mechanisms, gun carriages, and the like, what subcontracts, if any, do you place with other firms for other parts of the work?

Mr. GRACE. For such material as electrical supplies and some of the rare alloys entering into the first mixture for the composition of the steel, and certain grades of the special ores which include the special alloys as a part of their special composition. The ordnance material, as you know, requiring the very purest grade of all classes of materials, must be pure, absolutely, from a chemical standpoint in order to meet the physical requirements according to the contracts.

Mr. HAYDEN. Are the grades of ore or of metal that you purchase by subcontract for use in the production of ordnance procurable in the open market?

Mr. GRACE. No, sir.

Mr. HAYDEN. After procuring the stock of that material you could not dispose of it except to the Government?

Mr. GRACE. Except to the Government, or at a very great sacrifice to use for ordinary classes of manufacture.

Mr. HAYDEN. It is too expensive for that?

Mr. GRACE. Exactly; it is too expensive for that.

Mr. HAYDEN. They would not buy it?

Mr. GRACE. No, sir.

Mr. HAYDEN. At its cost to you?

Mr. GRACE. No, sir; we could not compensate ourselves for it.

Mr. HAYDEN. Where do you procure the alloys and rarer metals that you use in the manufacture of guns?

Mr. GRACE. A greater portion of them from foreign countries, from Sweden, from Switzerland, Spain, Italy, and South American countries—Peru.

Mr. HAYDEN. From your knowledge of the firms with which you deal, do you think they would agree to furnish you with these things if you were obliged to require that the ores or metals furnished you under subcontract should be produced by laborers, mechanics, working not to exceed eight hours in any one calendar day?

Mr. GRACE. No; no. It would be, I should say, entirely out of our province to have the least control of that element, of that phase, of the situation; certainly not.

Mr. HAYDEN. They being foreigners?

Mr. GRACE. They being foreigners, we certainly could not expect to secure our materials on any such basis.

Mr. HAYDEN. You know nothing of the hours of labor prevailing in those foreign countries?

Mr. GRACE. No, sir, I do not; but I take it that they must work more than eight hours, if they live.

Mr. HAYDEN. Take up any article you procure under subcontract and state whether or not it is obtainable in the open market.

Mr. GRACE. Take our rare elements, such as nickel in its purest state.

Mr. HAYDEN. That enters into the composition of armor plate?

Mr. GRACE. Into the composition of armor plate and into the composition of our guns. You may take also the elements of chromium or vanadium. In fact, I could mention a number of the rarer alloys which it is absolutely necessary to purchase to contract, to purchase to specific specifications for a specific work.

Mr. HAYDEN. Coming back, now, to the operations of your own company in the performance of work that it contracts with the Government to do, could you perform that work having in force a rigid eight-hour day which you could not exceed under any normal exigency arising in the regular course of manufacture?

Mr. GRACE. From my experience in the practical operation of a steel plant, it would be entirely out of the question.

Mr. HAYDEN. I would be glad to have you go into that in detail in your own way.

Mr. GRACE. We have operations in the melting of special steels in the open-hearth furnaces which absolutely require the personal attention of one individual from the start of the heat to its completion. It is a well-known fact to metallurgists that in making the better grades of steel—it is rather unique, too—it takes in the neighborhood of twelve hours, probably, more or less, and somewhat more probably, to accomplish the desired results in the bath for the final composition in the steel. One of my first experiences with my company was in the employment for some time in our open-hearth department, and I had direct charge of the making of the higher class of steel for armor-plate work and gun work. It was my duty, and it was of necessity, to follow in all stages of manufacture the heat required for the making of an armor-plate ingot. If that heat was

tapped at 2 o'clock in the morning or 4 o'clock in the afternoon, I was on duty to see that heat tapped. There is an element of personality, necessarily, in knowing the action of that furnace from its original charge until the final tap of the steel. I could not go to my relief and give him certain conditions existing in that bath to the best of my knowledge; we could not safely put that entire operation for completing over to some other man's judgment. I could not impart what I would know of the internal workings of that bath to him.

Mr. HAYDEN. In lengthy processes of that kind, those perhaps exceeding twelve hours, do you work two or more shifts of men?

Mr. GRACE. No, not on an operation of that kind.

Mr. HAYDEN. Not a heat of metal?

Mr. GRACE. Not on an operation of that kind, not for the higher grade of steel. We have found it possible to, and do on the ordinary class of steel, change shifts, where the composition is of no import; but where the composition is of such character, and there is so much at stake, representing our largest ingots, 300,000 pounds of steel, nickel, and chromium, you certainly would not take chances that you would in the case of steel of lower grade, where you do find it possible to employ two or more shifts of men in carrying out the operation.

Mr. HAYDEN. Is the time of the shift governed by the length of time that the first or succeeding shifts have worked or by the state that the product has reached at any given time?

Mr. GRACE. In open-hearth practice an ordinary heat of a furnace is in the neighborhood of ten hours. It makes a very nice division of changing shifts, around ten or eleven hours, to get supervision of the running of every heat under the supervision of one man.

Mr. HAYDEN. What I mean is, could you change shifts without injury to the metal?

Mr. GRACE. No, indeed. If you come out to shift for me, if we are on an open-hearth furnace, you will spend, on the commonest grades of steel, some time with me to ascertain the condition of that furnace, and the length of time, and so on.

Mr. HAYDEN. The man who is in charge of it does not leave it until he feels its condition is such that he can safely turn it over to his successor?

Mr. GRACE. Exactly so.

Mr. VREELAND. What is the longest time it takes in your highest grade steel to turn out a heat?

Mr. GRACE. Depending upon the work of the furnace entirely; I have known heats in our furnaces as long as fifteen or sixteen hours to obtain the desired results.

Mr. NICHOLLS. What is the shortest time?

Mr. GRACE. The shortest time is not less than ten hours at any time.

Mr. NICHOLLS. Not less than ten?

Mr. GRACE. Not less than ten hours.

Mr. HAYDEN. How about metal for armor plate?

Mr. GRACE. It will take from twelve to thirteen or fourteen hours.

Mr. HAYDEN. What will that plate weigh?

Mr. GRACE. The ingot of steel, which really represents the cost, will weigh anywhere from 60,000 to 250,000 or 300,000 pounds.

Mr. NICHOLLS. Is that all you have in the furnace at one time, one of those ingots?

Mr. GRACE. In running special armor-plate work; yes.

Mr. HAYDEN. Then you empty the furnace entirely, do you?

Mr. GRACE. We empty the furnace entirely; that is, in the open-hearth process.

Mr. NICHOLLS. Then when you want to make another plate you fill the furnace up again, I understand.

Mr. GRACE. Yes, sir.

Mr. NICHOLLS. And from the time you place that metal in the furnace until it is drawn out, it is how many hours?

Mr. GRACE. In the neighborhood of twelve to fourteen hours on armor-plate work, and that requires on the larger ingots the simultaneous tapping, in the melting of steel, of as high as four to five furnaces, and would certainly require an individual on each furnace, and an individual over all those individuals, to bring the desired result around at the right time.

Mr. HAYDEN. Please discuss your machine work of the finer types, like that you do under contract with the Government, and explain what difficulties, if any, there would be in adopting a rigid and invariable eight-hour standard of workday.

Mr. VREELAND. What is your plant?

Mr. GRACE. The Bethlehem Steel Company, of South Bethlehem, Pa. We manufacture justly, rightly, in machine shop proper, you might say, two grades of gun work for our Government. One would be what is known with us as a rough machine forging, a certain amount of metal for finished machining in other shops.

Mr. HAYDEN. This you sell to the Army and Navy for finishing?

Mr. GRACE. Yes, sir; to their own plants, and also to some of their contracting firms.

Mr. VREELAND. You sell to the Army?

Mr. GRACE. Yes, sir.

Mr. VREELAND. Where do those forgings go?

Mr. GRACE. To Watervliet.

Mr. VREELAND. I thought they made their own forgings there.

Mr. GRACE. No, sir; they have no facilities for that. The United States Government, to the best of my knowledge, makes no forgings and no steel. It is a similar operation at Watervliet to that which you see at the navy-yard here.

Our next class of machine work is furnishing the Government an absolutely finished, completed machine job, requiring the finest of finish, the highest class of workmanship, to accomplish the end.

Mr. VREELAND. Where do you sell them?

Mr. GRACE. We sell them to the Army and Navy.

Mr. HAYDEN. That is, you sell the finished guns?

Mr. GRACE. We sell the finished guns. We will take a contract for the 12-inch finished guns, and they are not accepted until they have been proof-fired by the Government, and then they are put in service on a battle ship or a land battery. It is a very difficult operation of machining, as you can all imagine, in the making of a gun of the larger type which is built up of in the neighborhood of eight to nine large hoops, starting from the original tube and being built up with hoops shrunk one on top of the other, making a complete gun. Each one of those surfaces has to be of the accuracy of a half of a thousandth of

an inch, and an inaccuracy of that dimension will cause the condemnation of the forging or the piece that is being worked on, and I think you can all appreciate the necessity of having those measurements taken and having a particular operation executed from its inception to its completion by one individual. I have in mind at this time what happened to a mechanic in our plant not less than two or three months ago, where, for some particular reason, the Government was anxious and was urging that a certain large gun tube should be completed, where we were compelled to change the individual on a particular operation; one man having served, as I recall, was taken ill and we placed another man on the operation and we lost the tube, valued at in the neighborhood of \$15,000.

Mr. HAYDEN. That was a total loss to the company?

Mr. GRACE. Yes, sir; absolutely. The only return we would have would be the value of that tube in scrap.

Mr. HAYDEN. That is practically nothing?

Mr. GRACE. Yes, sir; practically nothing. It is absolutely necessary, from our point of view and from our experience in the manufacture of ordnance material requiring such a degree of accuracy, that the conception of those operations, their measuring and machine cutting, the operation of that machine, must be carried through by the one man. The temperament of the man, the accuracy of the measurements, must be all considered. When you consider that you are measuring with a micrometer to the accuracy of half a thousandth of an inch, Mr. Jones and Mr. Smith will certainly vary more than that in their way of looking at the micrometer. That is demonstrated daily by our inspection sheets. We have our system of inspection as well as the Government system, which is with us at all times, and we will complete a certain forging and the Government inspectors will measure that forging complete. Take a 12-inch rifle. Every inch of that bore is measured for a total length of 144 inches by what is known as star gauging. Our men make similar measurements and you will find a variation of a few thousandths of an inch between the two individual measurements on exactly the same piece, and wherever we are carrying on an operation which requires fitting and assembling of parts together it is certainly a necessity for us to know that those particular measurements are all taken and the operation executed by the one individual. We can not afford to have part of that tube, for a certain length, turned by one man and then have another man come and take it at this point and finish turning it. This man will measure this part and the other man will measure the other part and the personal equations of those men would not be the same, and you would not get the two parts of the piece the same.

Mr. VREELAND. And with those deviations it would be rejected, with probably heavy loss?

Mr. GRACE. Yes.

Mr. VREELAND. When your man goes off, does the machine stop on that?

Mr. GRACE. Yes; we have had machines lying idle for days at a time waiting for a man to take up a job.

Mr. NICHOLLS. Have you entirely finished any of those tubes by employing more than one person in finishing the work?

Mr. GRACE. That is probably a rare exception. I would not say it never has been accomplished. It has not been with us.

Mr. NICHOLLS. Would you say that it was a rare exception?

Mr. GRACE. It has been a rare exception in our practice.

Mr. NICHOLLS. What is the normal length of the day—ten hours?

Mr. GRACE. Ten hours; yes, sir.

Mr. NICHOLLS. Suppose your men finished one of those borings about an hour before the regular quitting time and then started another one, would they be required to continue until they finished that?

Mr. GRACE. If you would complete an operation within a very short time of the end of the working day, it would consume anywhere from an hour to two hours to get the next piece in the machine ready for machining which would change that.

Mr. NICHOLLS. Suppose that part of the work was done within an hour of quitting time, what would be the case then, when they commenced boring within an hour of the quitting time?

Mr. GRACE. No; we would attempt to arrange that work in every case where a man could take it up and complete it. That would be our object, and in our organization it is followed out, too.

Mr. NICHOLLS. Do you have much extra time work in your shops?

Mr. GRACE. Yes; a great deal of it, too, out of necessity, on operations of this sort, forging operations and heating operations.

Mr. VREELAND. You pay for extra time?

Mr. GRACE. We pay for extra time, of course.

Mr. VREELAND. Any higher rate?

Mr. GRACE. We have a system which takes care of extra pay and extra time.

Mr. HAYDEN. Please describe the system of employment of laborers and mechanics prevailing in your works?

Mr. GRACE. From a compensation standpoint, you mean, particularly, Mr. Hayden?

Mr. HAYDEN. Yes; as to length of time, amount of work required, and compensation, and all other conditions which you consider material to give the committee a clear understanding of the terms of employment.

Mr. GRACE. Our wage scale will run from 12 cents an hour up.

Mr. HAYDEN. That is for common labor?

Mr. GRACE. That is for common labor, our cheapest labor, exclusive of some boy labor we have in the plant. Our common rate for common labor is 12 cents an hour at present, and from that we go up, in the other grades, to the \$10 and \$12 a day man. Our regular employment is on an hour basis, compensating a man so much an hour. Every man's rate card will show his rate. For instance, it will show that John Jones is employed at 25 cents an hour or 50 cents an hour. We have a peculiar system of our own, probably peculiar to ourselves, in the manner of compensating our men for extra work, known as a bonus or contract system. We have three methods whereby a man is paid for his individual efforts, and not all classes with the same basis, as being of the same efficiency to us. If you, for instance, perform certain operations in considerably less time than the man right beside you, your rate is so adjusted on this bonus or contract system that you receive the extra compensation.

Mr. HAYDEN. How is that worked out? Just tell us what the minimum wage is, and each bonus that you add.

Mr. GRACE. We have three systems, one what would be known as a straight contract or tonnage basis. A man is paid so much a piece for a certain operation, turning up a crank shaft, for instance. We have seen by long observation that an ordinary man would accomplish, say, one of those an hour. We set a fair, liberal, basis for so much per piece for that particular operation.

Mr. HAYDEN. You call on him to make a certain number in his day of ten hours?

Mr. GRACE. That would be on another basis, which I will explain later. On this basis a man is paid absolutely so much per piece for that operation. If that man would work along and make his day's wages at two or three o'clock in the afternoon, he is done if he wants to go; but if he cares to make more money he is given an opportunity to finish out that day's work with an opportunity to make considerably more.

Mr. HAYDEN. Do you pay him extra for the extra material he produces?

Mr. GRACE. Not in that particular case where he would be working on an absolute tonnage basis. That rate is set very liberal, so that a man, if he cares to work his ten hours, will make necessarily from 25 to 50 per cent more than he would on his straight basis.

Mr. VREELAND. Do men take advantage of that opportunity; do they like to get the extra pay or not?

Mr. GRACE. Exactly so. It has been our experience from the time of instituting that plan up to the present time.

Mr. VREELAND. A large percentage of them do?

Mr. GRACE. A very large percentage of them.

Mr. VREELAND. Are there any who do not?

Mr. GRACE. Very few. There is only an occasional instance of a man like that. Of course in a shop employing 10,000 men you will find occasionally a man who is a kicker, but if you ask our men to-day you will find practically all of them will say, "Give me your contract or your bonus work."

Mr. HAYDEN. If they do not want your contract or bonus work you do not make them take it?

Mr. GRACE. Oh, no. Our next system is what is known as our bonus system. A man is given a rate of, say, 25 cents an hour. We figure for that man on the work, giving him what is known as a contract card, a particular time to complete the operation which he has in his machine.

Mr. HAYDEN. That can be done by a man of ordinary ability?

Mr. GRACE. Yes, sir. They are all made from ordinary men, not from the very best. That man on completing that operation within the time set is immediately given a percentage of his hour rate as extra compensation for equaling—to say nothing about bettering, but simply for equaling—our time of completing that operation. That operation is completed in less time than has been shown on that man's so-called contract card. That percentage to the man is increased in another ratio, in another proportion, to his hour rate. I will speak in terms which will come very close to approximate what that is to us. In equaling what is on that contract card the man is immediately compensated 20 per cent additional on his hour rate on all time less than the contract card.



Mr. HAYDEN. That is, if he completes his allotment of work within less time?

Mr. GRACE. That is, if he completes his allotment of work within less time he is given 50 per cent of his wages.

Mr. HAYDEN. In addition?

Mr. GRACE. In addition to the 20 per cent. That man is at liberty at that time. He has completed this operation two hours under our contract time on it, say, and he not only gets the additional 20 per cent figured for equaling the time, and the 50 per cent for the less time, but he gets his two hours saved in beginning the next operation on a similar basis.

Mr. HAYDEN. You give him two hours that he has saved on a ten-hour day as overtime work?

Mr. GRACE. On the ten-hour basis beginning anew.

Mr. HAYDEN. You said that there were three systems. You have described two, I believe.

Mr. GRACE. Our next system would be in the nature of a task work. That is used in this manner: We have contracts calling for the delivery of so much material within a certain time. We want to make delivery of that material at the rate of, say, so many per day. We will begin an operation of one or two men or an individual or four or five men. They are given what is known as task work. This is a small feature, but I refer to it as being one of our systems. When they have completed that daily task, if it is at noon those men are allowed the rest of that day for themselves, and they are paid on a very liberal tonnage basis for what they have done.

Mr. HASKINS. They can work extra hours?

Mr. GRACE. They can work extra hours, too.

Mr. VREELAND. Where do you get your standards from? In letting these contracts, for instance, you say it should take eight hours to complete a piece of work, and if they complete it in six hours you pay them a bonus. How do you arrive at the standard of work, the unit?

Mr. GRACE. That has been a growth with us, naturally, from time to time, as we have been instituting the system, by making a complete study of various operations, of the various capacities of the various machines, of the ability for turning out work of the various individuals, and we have our records complete from the time we started gathering these data, in what we would call a strictly information way to ascertain what would be a good fair liberal basis of a contract.

Mr. VREELAND. Do you have some men who are not able to accomplish the work in the unit of time?

Mr. GRACE. Yes; particularly some green men. Those men do not stand to lose, though; they can not lose. They still get their day's wages.

Mr. NICHOLLS. Suppose that some man does it in 20 per cent less time than your card requires, is that then called a new record in the case?

Mr. GRACE. Oh, no.

Mr. NICHOLLS. It is not?

Mr. GRACE. No.

Mr. NICHOLLS. The time limit which you place on the card is not actually derived from the performance of the work by some one in your shop?

Mr. GRACE. All of our card limits are actually derived absolutely by actual observations of the performance of the individual operations of that machine, before we put it up to any man to do.

Mr. NICHOLLS. That is what I thought.

Mr. GRACE. Exactly so.

Mr. HAYDEN. It is the average of a great many operations?

Mr. GRACE. The average of a great many operations.

Mr. HAYDEN. By a great many men?

Mr. GRACE. Yes, sir.

Mr. HAYDEN. Mr. Grace, state if you can what is the effect of this bonus system; that is, on the average how much in excess of his normal or minimum wage does one of these employees receive by way bonus? I ask for the general average.

Mr. GRACE. For a general average, I should say, hitting and missing, it would be at least 20 per cent, because we make an attempt to figure out cards on such a basis that a man will make bonus. We naturally feel that a man making that bonus it increases the advantage of our facilities, so that we figure that it is good business to figure those cards on such a liberal basis that a man will have a certain incentive to accomplish the work and to make his bonus, and I am glad to say that with us our men are exceedingly anxious for the bonus system.

Mr. HAYDEN. In the case of men of high efficiency, what is the bonus range; what percentage of the normal wage is it?

Mr. GRACE. You take men of high efficiency who run in a figure of, say, 40 per cent—

Mr. HAYDEN. Forty per cent in excess?

Mr. GRACE. Yes; I have known them in individual cases to run as high as 300 per cent, but that is only an individual case. That was a very unusual man, a man who would do that one day and probably would not do it the next. Our commonest labor, our ore-handling labor, are on a similar basis unloading ore. The 12-cent-an-hour man I speak of will average \$1.75 to \$1.85 a day. You could not get those men to go back on an hour basis. We have tried to transfer our 12-cent labor from one department to another when they have been handling our raw material, unloading cars; we have put them over in the department where we do not have a contract or bonus system in vogue, and they say that it is just like reducing their wages.

Mr. NICHOLLS. They are on the bonus system, too?

Mr. GRACE. Yes, sir.

Mr. NICHOLLS. How does it work with them—I mean in what way does it operate in their case?

Mr. GRACE. In the case of laborers handling ore, or we will put it handling materials generally from cars and to cars, they are put on the tonnage basis, so much a ton for putting the material in the car or taking it from the car; during the hours of a day that they are handling contract ore or other commodities by the ton they are compensated in that manner. The minute that that operation is completed, and they take up some other operation, they revert to their labor at the 12 cent an hour basis.

Mr. HAYDEN. What have you to say with respect to the urgency of most Government work as to time of delivery? I speak of Government contracts in general.

Mr. GRACE. In our experience, in our judgment, one of the strongest features, one of the main features, in obtaining a Government contract, particularly in our line, in the manufacturing of gun work and shafting for battle ships, is the element of time. It is a very important factor. It lies, I should say, parallel with the price figure on the question of either getting or losing that contract. In the question of rough machine gun forgings it is purely a matter of time of delivery, due to the fact that the price of gun forgings is set by Congress.

Mr. HAYDEN. That is, the Government has machines and employees waiting to take these rough gun forgings and complete them, and the Government penalizes you if their men are kept without occupation for the lack of your forgings.

Mr. GRACE. All of our Government contracts are taken to be executed within a given time, with a penalty clause.

Mr. VREELAND. Do you suffer the penalty?

Mr. GRACE. Yes, sir.

Mr. HAYDEN. You spoke of the production of shafting for battle ships. Those you make under subcontracts with shipbuilders, I suppose.

Mr. GRACE. Exactly so.

Mr. HAYDEN. And the shaft must be completed and installed in the vessel; otherwise their work upon her is delayed, is it not?

Mr. GRACE. The completion of a battle ship would certainly be delayed.

Mr. HAYDEN. So that in those cases you are subject to penalty if the ship be not delivered in time?

Mr. GRACE. That penalty would revert from the main contractor back to us as a subcontractor.

Mr. HAYDEN. Does it happen often or not that in order to comply with the Government requirements as to time of delivery you are obliged to work overtime; that is, that your men work in excess of ten hours, no matter what they may have accomplished?

Mr. GRACE. During my experience in the last three or four years, particularly on gun work, we have found it almost a necessity to operate our shops at all times on an overtime basis.

Mr. HAYDEN. Paying extra for the overtime?

Mr. GRACE. Paying extra for the overtime to come within the limits promised.

Mr. HAYDEN. The time of delivery is specified on all Government contracts, and you are constantly being urged by the Government to press your work forward?

Mr. GRACE. Continually, with the possible exception of armor plate, where, due to the small contract which has been let us in the last few years, we are, I am glad to say, away ahead of the game.

Mr. VREELAND. I think there have been cases where these ship people put up as an excuse for delay that they could not get armor.

Mr. GRACE. Yes; that was in ancient times, when the armor was not only not manufactured, but was not even contracted for by the Government when the ship was ready for the armor to complete it, although the Government had obligated itself to purchase armor for the use of the Government on the vessel in order to carry on the work promptly.

Mr. VREELAND. There was some sort of complaint like that.

Mr. GRACE. I believe you will find in looking over your Government records that in the contracts taken by our company the Bethlehem Steel Company has never been behind.

Mr. VREELAND. I believe in the case of the *Connecticut* there was some talk of the delay on account of armor plate.

Mr. HAYDEN. I do not think that was delay of armor plate.

Mr. GRACE. It may have been armament.

Mr. HAYDEN. Armament; ordnance material which was being manufactured at the Government shops.

Mr. GRACE. In our armor-plate manufactory we have a capacity of 10,000 tons of armor-plate a year, and in 1906 we received orders for 2,500 tons, and last year for 3,500 tons.

Mr. HAYDEN. There was no delay there?

Mr. GRACE. We are ahead of our armor-plate contract a few months over a year. Our armor plate will be delivered at least a year ahead of the requirements.

Mr. VREELAND. We have been buying to some extent from the new company, have we not, the Midvale Company? We have been getting a little better terms?

Mr. GRACE. As you might judge.

Mr. HAYDEN. Any deliveries? This is not for the record.

Mr. GRACE. That I would prefer not to comment on. That is a matter of record at the Navy Department.

Mr. PAYSON. What do you mean by its not being for the record?

Mr. HAYDEN. Any deliveries within a reasonable time.

Mr. PAYSON. Oh!

Mr. HAYDEN. This is a question that I intended to ask you some time ago. In the more lengthy operations of your company that you have described, such as heats of metal for armor plate or extensive machining operations, what part does the individual responsibility of the man who undertakes and starts the work play in your policy of expecting him to finish it rather than to have a shift in the middle of the work?

Mr. GRACE. In the manufacture of steel, and in the successful manufacture of steel, and the successful and you might say rapid advancement of our employees, it is most certainly necessary to have individual responsibility. If a man is to prove his worth, to prove his value to any company, in my opinion it is necessary for that man to have responsibility clearly defined, certain operations which he is responsible for, and not to have him leave that operation three or four hours before its completion and have another man take it on. You can not define, you can not locate, the responsible person in that particular place. Neither can you pick out the man for advancement in that particular case. It is only justice, in my opinion, to the man, particularly from an advancement standpoint. I am glad to say that was my personal experience. If I had been limited to eight hours' service, I am very sure that I would not be in the position I am in to-day, which is only subordinate to a great many. But for a man to show his worth to any company, he has got to show his ability to assume responsibility. He can not do that jointly with me, Mr. Hayden. If we are working together, it has got to be either you or me. If the question of management comes up, you are the man or I am the man. It is a necessity, if the men are going to be done justice

to, to be able to know absolutely what each man has accomplished individually as well as collectively with other men, but particularly individually.

Mr. DREW. Aside from that individual point as to the men, would it not tend to disorganize the whole force in your shopwork if you could not place responsibility, anyway?

Mr. GRACE. Oh, exactly. We would have a pandemonium in our organization, I can assure you of that. No doubt about it.

Mr. HAYDEN. What relations prevail and have prevailed for the past five or six years between the Bethlehem company and laborers and mechanics employed by it?

Mr. GRACE. From the Bethlehem standpoint, in our particular location and in our associations with our labor, I can say absolutely that it is of the very best. Our men are loyal to the greatest degree. Our men come to us and apply to make overtime, to make additional money for the purpose of rearing their families on a better scale, and purchasing their homes, and they are loyal in every respect. It happens that it is a matter of weekly occurrence with us, almost daily occurrence, for one of those men to request that he be allowed to do some extra work and receive extra compensation for it.

Mr. HASKINS. Of men employed in a certain class of work some are more efficient than others?

Mr. GRACE. Exactly so.

Mr. HASKINS. And those men would not like to be put upon an even scale with those who are not as proficient?

Mr. GRACE. Any basis, in my opinion, of limiting the hours of a day's work would materially affect a machine man.

Mr. HAYDEN. It would be unfair?

Mr. GRACE. It would be entirely unfair.

Mr. NICHOLLS. You think there ought to be no limit to the day's work? Is that what I understand you to mean?

Mr. GRACE. Within certain requirements, yes.

Mr. HAYDEN. Have you not advised your men to give up work because you thought they were working too long?

Mr. GRACE. We have had cases where we would have to send men home who would want to continue in service.

Mr. NICHOLLS. Do you believe in any limitation of a day's service?

Mr. GRACE. No, sir.

Mr. NICHOLLS. You do not believe in any maximum number of hours?

Mr. GRACE. No, sir; not in that service.

Mr. DREW. You would modify that by saying that it should be left to the individual how long he should work?

Mr. GRACE. No; I do not think I have the authority to say, "Mr. Jones, you have got to work thirty-six hours or we will discharge you."

Mr. NICHOLLS. I know of a case where actually an employer in a communication in writing to a board which was taking up a case, claimed an absolute right in a man's labor for twenty-four hours a day.

Mr. VREELAND. He must have had title to him.

Mr. NICHOLLS. That is an actual fact.

Mr. GRACE. We have in our class of work a very unusual state of affairs existing. To accomplish this highest class of work we have

to have many of the higher and better class of mechanics. We never have been able under the history of our company in ordinary operating times to reach within 2,000 of the necessary number of men to run our plant at its full capacity.

Mr. HAYDEN. That is, there is not sufficient skilled labor?

Mr. GRACE. There is not sufficient skilled labor. We have never been able to reach that point, under ordinary operating conditions, when we had a fair amount of work. A measure of this kind, compelling a third shift as compared with a two-day shift, would require 50 per cent more than the available effort, whereas now we are 25 to 50 per cent short at all times.

Mr. HAYDEN. So that if the restriction was placed upon the hours that your men can work daily, and consequently upon the amount of your product, it would simply mean that the company's product would be less? You could not get outside men to come in and fill up the extra time or fill extra places in your company's employ to keep the output up to the normal point?

Mr. GRACE. I may better explain that in this way: We found it absolutely necessary to establish a system whereby we would make our own men. We have at this time in our employ in the neighborhood of 500 boys going through what we call schooling, under an apprenticeship system. They are the boys whom we have got to depend on to make our men to accomplish the class of work which we are forced to do. The boys come with us and are paid a nominal compensation from the first day they are employed, with an increase for each year's employment, and after serving four years' time they become full-fledged mechanics and are put on full-fledged mechanics' pay.

Mr. HAYDEN. I mean that if your plant was put on an invariable eight-hour basis it would decrease the amount of its output?

Mr. GRACE. It would decrease the amount of our plant output by, say, roughly speaking, 30 per cent, undoubtedly.

Mr. HAYDEN. You could not get 20 per cent more men or 30 per cent more men to come into your employ and keep the output at the point where it is to-day?

Mr. GRACE. No; we could not.

Mr. HAYDEN. You could not get the men?

Mr. GRACE. We could increase our present output if we could get the men.

Mr. HAYDEN. You could?

Mr. GRACE. Yes, sir.

Mr. VREELAND. He states that they are 2,000 short all the while of what they would like to employ to get up to a production which they could make.

Mr. HAYDEN. Yes.

Mr. VREELAND. Could you tell anywhere near what proportion of that output of your plant, when it is completed, is machine and what hand labor? That is, out of the total product, what part of it would be represented, what per cent of it would be represented, by the work of men with hand tools and what per cent by the men employing machinery?

Mr. GRACE. You would class in that case a man with hand tools a mechanic using the file and hammer and chisel; that is the class of work that would pass through a machine shop, of course

Mr. VREELAND. Yes.

Mr. GRACE. Our plant is primarily a finished-product plant. Until our recent extensions of the last couple of years our South Bethlehem plant has been primarily a finished-product plant. Practically all of its output has more or less skilled-mechanic labor on it. It is either in the form of shafting, in the form of ordnance material, guns, projectiles, gun forgings, armor plates; and we are not a maker and seller of what is known in the steel business as raw material. Even in our rolling-mill practice, in our original plant it is of a special higher class rolling-mill practice, requiring a higher class alloy steel. We furnish the rifle-barrel work and the small-arms work which the Government gets through other contractors, but a great proportion of our work is in finished products.

Mr. VREELAND. Men working under the ordinary wage system at so much a day, if they could be put on an eight-hour basis, would be able to turn out very near as much as they would on a ten-hour basis? Ten hours is exhausting and week in and week out they would produce about as much in eight hours as in ten hours? Of course this would not apply to machinery.

Mr. GRACE. No; it is the machine tool that turns out the work.

Mr. VREELAND. The machine will not get tired the last two hours. I was asking you with a view of determining what proportion of that output, if it could be separated, would be the product of machinery. For instance, you take 100 men and they have a given output. You put into their hands machinery, and they can turn out ten times that amount.

Mr. GRACE. I see.

Mr. VREELAND. I did not know but what you would separate in a rough way, by percentages, the hand work and the machine work.

Mr. GRACE. No.

Mr. VREELAND. So that you could state what per cent of the product of your factory would represent hand labor and what per cent would represent the reinforced product caused by the use of machinery.

Mr. GRACE. In that operation your machinery would include your larger forging tools, and that is a very complicated machine to operate, requiring the highest class of mechanics. Now, our main business is forging business. Practically no percentage of our business is represented by an ordinary man's day's work.

Mr. HAYDEN. That is, ordinary physical work?

Mr. GRACE. That is what you mean, I take it.

Mr. HAYDEN. The work of your mechanics is largely mental, if not altogether?

Mr. GRACE. Yes; including somewhere in its operation a very great amount of skill, from your open-hearth standpoint, from your blast furnaces, even from the open hearth to the making of the molds and the pouring of them, that is all skilled labor.

Mr. VREELAND. If you find your plant reduced to eight hours, will the product be reduced proportionately; and if not, what per cent?

Mr. GRACE. In my best judgment it would be reduced proportionately. That comes right back to the situation that labor is not available—the class of labor we employ. It is bound to decrease proportionately, and in our particular case more than proportionately, because it would most certainly disorganize us.

Mr. NICHOLLS. Are you short of men?

Mr. GRACE. Right at this particular time I might say no; but this is just a passing two or three months.

Mr. NICHOLLS. Have you any men laid off now?

Mr. GRACE. Yes; not of the higher class men.

Mr. NICHOLLS. How many have you laid off altogether?

Mr. GRACE. In the neighborhood of 1,500, say, all told. That is principally brought about by the winding up of construction work on our new plant; but in operating our new plant we are very fortunate in having a fair amount of work.

Mr. HAYDEN. That was exceptional work, and not a regular part of your business?

Mr. GRACE. No, sir.

The CHAIRMAN. That was not caused by the panic?

Mr. GRACE. No; hardly.

The CHAIRMAN. That is not a part of the business, anyway, and it does not belong in this consideration.

Mr. HASKINS. Do you make small arms?

Mr. GRACE. We furnish the Springfield people with a rolled bar. We roll it to machining size. Small arms are rolled and not bored. We forge a gun that uses a 1-pound ball, and below that it is raw material, and we do that rolling.

Mr. HASKINS. Could you furnish anything larger than 12-inch guns?

Mr. GRACE. Yes, sir; we have made 16-inch guns.

Mr. HASKINS. You made them for the Watervliet Arsenal; they finished them there?

Mr. GRACE. Yes, sir. We finished one 16-inch gun ourselves.

The CHAIRMAN. Are you making any 13-inch guns?

Mr. GRACE. No, sir; all the ordnance is now apparently 12 inch and below. We have orders for 11-inch rifles, all for battle-ship work.

Mr. DAVENPORT. In this bill, section 2, is a provision that the proper officer, on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act during time of war or a time when war is imminent. Then it goes on to provide as follows:

No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition.

In the practical operation of a large plant, such as you have, in order to get the benefit of that exception, to whom would you apply for permission to work and to give you an authoritative definition at times as to whether it was an extraordinary event or condition?

Mr. GRACE. We undoubtedly would have to be advised on that point at the present time.

Mr. DAVENPORT. By whom?

Mr. GRACE. By the Department, I should say, with which we executed contracts to accomplish certain work.

Mr. DAVENPORT. Assuming that it was intended by this act to make that person the inspector, how many inspectors do you suppose it would require in order to supervise and determine those questions? I suppose they would have to be determined on the spot, would they not?



Mr. GRACE. They would. It would materially affect the execution of the work, and there would be no extraordinary conditions, in my mind, in the execution of a contract.

Mr. HAYDEN. Except in the case of breakage?

Mr. GRACE. Except in the case of breakage.

Mr. DAVENPORT. In such an instance as this, to whom would you apply to know whether or not you were going to be penalized if you proceeded?

Mr. GRACE. That would be hard for me to answer. I have not any idea whom we would apply to.

Mr. DAVENPORT. Suppose it was the theory of the person who drew that bill that it was the inspector, how many inspectors would it require in such an establishment as you have to be on hand to determine those things?

Mr. GRACE. That number would be enormous. They would have to follow practically every operation. They would have to determine whether this was a good reason for delay—a good excuse or reason for delay.

Mr. DAVENPORT. In case such a condition as that was imposed in these contracts, would your company take any such contracts?

Mr. GRACE. That would have to be referred to the officers of our company, but I doubt very much whether they would. I am not in position, however, to say finally on that point.

Mr. VREELAND. You could take such a contract by adding on what you thought would cover the contingency?

Mr. GRACE. It would be impossible to foresee the various contingencies which might arise.

Mr. VREELAND. Do not contractors always add on enough to cover any possible contingencies?

Mr. GRACE. It would be impossible for us to determine contingencies on an eight-hour basis, for instance, such as the amount of material we would be compelled to lose, and the amount of operations we would be compelled to sacrifice by stopping our day's work at the end of eight hours. I could not figure how many open-hearth heats we would lose in conducting an armor-plate contract or a gun contract.

Mr. HAYDEN. In addition to that it would be impossible to perform the 3 per cent of your work which is done for the Government under contract on an eight-hour basis, and to perform the other 97 per cent of your work on an indefinite basis such as you might agree on with your men?

Mr. GRACE. Exactly. In other words, we could not carry two working days in our establishment, one on commercial work at ten hours a day and one on Government work at eight hours a day, and for this reason: That there are certain operations which are being done simultaneously for the two products, one for the Government and one for commercial work, and if we are working on an eight-hour basis we are not in line, we are not in position, to compete with the ordinary commercial bidders. It would be a question, and we would have to choose between 97 per cent of our product or 3 per cent on this basis.

Mr. PAYSON. Would that be a difficult question to solve?

Mr. GRACE. Personally, I should say not.

Mr. PAYSON. In your judgment?

Mr. GRACE. No; in my judgment I would not say that it would be difficult to solve.

Mr. PAYSON. What would the answer be, in your judgment?

Mr. GRACE. In my judgment I should say we would have to give up Government work.

Mr. PAYSON. Of course. That is so reasonable that I am almost of a notion to believe that.

Mr. GRACE. It sounds reasonable. We are of course, as you all recognize, one of the old, pioneer steel manufacturers in Government work, supplying to the Government to-day some of their highest quality and best ordnance material, and we are unusually well equipped for that class of work, and you can see what we have had to do in our equipment during the last five years, during which time we have gone from a good 30 per cent of Government business down to 3 per cent.

Mr. HAYDEN. That is because the competition has become keener?

Mr. GRACE. It is because of competition on the work; not invariably, but there are other factories in the field. Other manufacturers have combined Government work with commercial work, and have taken more Government work.

Mr. VREELAND. Is not that due more to the increase of commercial work than to the decrease of the work you do for the Government?

Mr. GRACE. It is due to both causes.

Mr. NICHOLLS. Could you give us an approximate statement of the value of the Government work done in your plant the last two or three years, each year?

Mr. PAYSON. Do you mean in value—so many dollars' worth?

Mr. NICHOLLS. Yes.

Mr. GRACE. We did practically last year in our plant Government work to the value of \$4,000,000.

Mr. NICHOLLS. Is that less than in years before?

Mr. GRACE. Yes, sir; we have been as high as eight and nine million dollars, as I recall it now.

Mr. VREELAND. Your plant runs up to \$10,000,000 a year, or such a matter?

Mr. GRACE. Yes, sir.

Mr. VREELAND. It is quite a plant.

Mr. GRACE. Of course there is quite a difference between the value of the contract and the tonnage of the contract, you understand. That should not be lost sight of. In other words, you must not take these figures and multiply them by 97 per cent, and take that as a correct result.

Mr. VREELAND. What were the percentages; 3 per cent and 97 per cent?

Mr. GRACE. On the tonnage; yes, sir.

Mr. NICHOLLS. What would you say as to the value?

Mr. GRACE. The value would probably run in the neighborhood of 20 per cent, from a dollars and cents standpoint. That will be materially increased within the next year or two years.

Mr. VREELAND. That would make a harder task for you to choose which you would take—the Government work or the other—if the belief of some people as to the profits of the Government work be correct. I have heard it said here that the profits on making armor

were such that you could not afford to lose it, even if you lost commercial work.

Mr. GRACE. You understand I am not talking of profit; I am talking of the value of the contract.

Mr. VREELAND. The value of the contract is in the end the profit.

Mr. GRACE. The profit means the excess in the work.

Mr. VREELAND. Profit is what is left after you boil it down?

Mr. GRACE. Exactly. But with an armor plant representing a five-million-dollar investment, operating to about only one-fifth its capacity, there can not be much profit in it.

Mr. VREELAND. That is beside our purpose here, and I may say that I have always believed that the United States obtained its armor cheaper, at least, than any other great nation.

Mr. GRACE. That is a well-known fact.

Mr. HAYDEN. Thank you, Mr. Grace.

#### STATEMENT OF MR. M. E. BREWSTER-GREENE, OF BRIDGEPORT, CONN.

Mr. BREWSTER-GREENE. I represent, gentlemen, the Manufacturers' Association of the city of Bridgeport, an association of fifty manufacturers, and in particular, as bearing on this bill, five or six manufacturers who do anywhere from a small to a great amount of Government work, one of them making as much as 70 per cent of its output Government work. If you desire, I will give the names of those plants. The American-British Manufacturing Company, making gun mounts, carriages, and ordnance; the American Ordnance Company, making guns and armament; the Union Metallic Cartridge Company, making ammunition. These firms contract frequently, and they subcontract with three other firms in town, the Bridgeport Brass Company, making rolled brass for ammunition; the General Chemical Company, manufacturing chemicals for use in the preparation of ammunition, and the Bryant Electrical Company, making electrical apparatus for use in the manufacture of armament.

Though I am not connected directly with any of these companies, I have familiarized myself to some extent with the processes in detail at the several plants, and can speak possibly not with so much authority as some of the other witnesses I have heard yesterday and to-day, but still with a pretty clear knowledge of what the provisions of this bill will amount to in their effect on our members.

Mr. DREW. Have you had a technical training?

Mr. BREWSTER-GREENE. I am by profession an engineer, a graduate of Columbia. Primarily I should say that the company manufacturing armament, gun carriages, and so forth, would have to discontinue business, if the provisions of this bill should become a law, on Government work. The work as it comes now, and as it has been explained by Mr. Grace, consists in great part in castings and accurate machine work in large units which, if they were compelled to discontinue work upon at the end of any given period as short as eight hours, the utility of the piece would be endangered, and would almost inevitably become scrap.

Mr. VREELAND. In what particular line of manufacture?

Mr. BREWSTER-GREENE. The output of the American-British and the American Ordnance companies—armament, ordnance, and gun

carriages and mounts, both for coast defense and marine work, and guns not exceeding 8 inches.

Mr. DREW. They have the same problems as to having to keep the heat up, and the borings, as was mentioned here to-day and yesterday?

Mr. BREWSTER-GREENE. Yes; Those matters have been gone over by experts in detail. I do not want to waste any of your time on that. I want to represent the conditions as being duplicated in Bridgeport, possibly not in so great volume as with the Cramp works, but still in volume seriously affecting our own interests in Bridgeport. The same conditions hold true in regard to the manufacture of ammunition by the Union Metallic Cartridge Company, especially in regard to powder charges and fulminates. The chemists have very long and intricate operations, and in starting a job a man or a gang of men in charge or control of that job must pursue it to the end. It requires anywhere from eight to eighteen hours in some of these operations in the preparation of powder, and it would be impracticable to break it up at the end of any minimum period such as eight hours.

Mr. DREW. Why could not any new set of men come on at the end of eight hours and take these chemical tests of powder and explosives and continue them to a finish?

Mr. BREWSTER-GREENE. There are physical reasons and there are also operating factory reasons. The plant would be disorganized by the division of responsibility, especially in the manufacture of explosives. I believe there are now in Washington some Bridgeport officers of the Union Metallic Cartridge Company on trial for defects in powder. There have been some premature explosions, and they have been trying at the same time to fix it at the other end, in the factory at Bridgeport. They will probably be able to do so; but had there been any division of responsibility or shifting of two gangs of men on the operation, they could not have done that. Then from a practical standpoint, of course, as has already been explained, the chemists and the gangs of men working with the chief chemist on the preparations of powder can not leave their work until the job is finished.

Mr. DREW. Each man has to be familiar with the different steps in the process, and himself follow it through. He could not tell somebody else?

Mr. BREWSTER-GREENE. That is true. The steps comprise so many different governing and leading-up details, the matter of temperature and mixture and atmospheric conditions, that it would be impossible to acquaint the succeeding gang, the following gang, with all of these conditions. Likewise the personal element enters into it to a very large extent. There is a great deal of individual insight involved in the production of steel and in elaborate chemical operations.

Mr. DAVENPORT. Steel or powder?

Mr. BREWSTER-GREENE. Both; for instance, in the preparation of heats of steel for casting.

Mr. DREW. Could your people produce a part of their output on the eight-hour basis and produce the rest of their output with the men working longer hours?

Mr. BREWSTER-GREENE. Shorter hours?

Mr. DREW. No; longer hours.

Mr. BREWSTER-GREENE. I see what you mean; have one gang in the shop working one set of hours and another gang another set of hours?

Mr. DREW. Yes.

Mr. BREWSTER-GREENE. Oh, no; it would disorganize the shop personnel altogether. One man working eight hours would not work alongside of a ten-hour man, or vice versa.

Mr. DREW. Furthermore, are there a number of these processes where this Government work and private work is operated upon at the same time? •

Mr. BREWSTER-GREENE. Yes, sir.

Mr. DREW. So that they could not be distinguished?

Mr. BREWSTER-GREENE. Yes; in all of the plants. They follow right alongside of each other in the same classes, and it would not do to segregate them. The social conditions would be seriously disturbed. It would be unendurable.

Mr. VREELAND. What proportion of Government work do you do?

Mr. BREWSTER-GREENE. The plants I represent average 20 per cent. The Union Metallic Cartridge Company averages about 40 per cent of Government work.

Mr. VREELAND. Of output or value?

Mr. BREWSTER-GREENE. Output is the way I found it out in the conversations with the officers of the company. I am sorry they could not be here personally. They did not state it in dollars and cents. They simply called it percentage of output.

Mr. VREELAND. Is nine hours the prevailing time?

Mr. BREWSTER-GREENE. Nine hours is the prevailing day in Bridgeport. But especially in the ammunition and gun departments of these two concerns they work a great deal of overtime, and they pay overtime up to double time, according to the amount of work and the hazard in the manufacture of ammunition. Where there is a high degree of hazard they pay double time for overtime.

Mr. DREW. Do your people produce the Government work from the beginning to the end, or do they have to subcontract for any of the material they use?

Mr. BREWSTER-GREENE. They subcontract for a great deal of the material; some in town, but a large proportion of it out of town. They have to get their steels, special alloys, chromium, vanadium, nickel, manganese, and so forth, from Pittsburg and South Bethlehem and from Jones & Laughlin and some other firms; I do not remember them all.

Mr. DREW. They have to contract, then, with steel rolling mills?

Mr. BREWSTER-GREENE. They have to contract with steel rolling mills, with Bethlehem for ingots and rolled material.

Mr. DREW. Do they have to subcontract with any steel-fabricating shops to fabricate the steel after it is rolled?

Mr. BREWSTER-GREENE. No; they are very well equipped in Bridgeport with forging plants for shaping.

Mr. DREW. These people do their own shaping?

Mr. BREWSTER-GREENE. They do their own shaping, yes, sir; they have large hydraulic presses and drop hammers; and steel is not all that enters into it; there is rolled brass, and it has to be made to special proportions; and there are special preparations and acids that enter into the manufacture of ammunition.

Mr. DREW. Do your people have to subcontract for this rolled brass and these shapes?

Mr. BREWSTER-GREENE. All things that enter into Government work are so carefully protected by Government specifications that everything has to be let by a special Government subcontract.

Mr. DREW. Now, what can you say as to the amount that these subcontracts would represent in the total work of the firms to whom the subcontracts are given? Take, for instance, your steel.

Mr. BREWSTER-GREENE. That would be conjectural in a degree, but I should say it would not exceed 1 per cent of the output of any one of the large steel plants—Jones & Laughlin, Midvale, Carnegie, or Bethlehem—if we gave all our orders to any one of those firms.

Mr. DREW. Then would you consider that if you inserted a clause in your contract for rolled steel providing that it must be produced on an eight-hour day, that any of these concerns would accept such a contract and furnish you with this steel?

Mr. BREWSTER-GREENE. No; not at all. The volume of our business is not sufficient to permit us to dictate to them the terms on which they would supply us with 1 per cent of their output. They would refuse our business, and we could not get raw materials.

Mr. DREW. What can you say as to the brass?

Mr. BREWSTER-GREENE. Brass is rolled right in Bridgeport by the Bridgeport Brass Company, but that only forms from 5 to 8 per cent of their output on Government work, and they would refuse it, too. There is much indisposition on the part of supply houses of raw material to tie themselves down to hours. They want all the liberty they can be allowed on special specifications in the matter of hours.

Mr. DREW. What are the hours of the Bridgeport Brass Company?

Mr. BREWSTER-GREENE. Nine hours a day.

Mr. DREW. And what you have said applies also to the acids for which you have to contract?

Mr. BREWSTER-GREENE. The acids would be one of the most acute things under the limitation of hours. The jobs runs from thirty-six hours to four or five days under certain temperatures, and of course one man there does not follow the job clear through, but from the inception of the job until from about fifteen to eighteen hours have passed, the chemist in charge remains with it. After that it is watched carefully by separate gangs.

Mr. DREW. You also have to subcontract for lead?

Mr. BREWSTER-GREENE. Yes; lead comes into the manufacture of ammunition, and that has to be of a certain percentage of purity. We can not buy it in the open market on the specifications which are required.

Mr. DREW. Can you buy any of these materials you have just mentioned and spoken about in the open market?

Mr. BREWSTER-GREENE. Not one. I have not mentioned anything in my remarks that could be bought in the open market, because those would hardly be affected, I imagine, by the provisions of the bill.

Mr. VREELAND. What class of goods does the Government buy?

Mr. BREWSTER-GREENE. The Government buys ammunition, and the ammunition is made of a special rolled brass without poisonous material in it. In the ordinary commercial brass they have to

insert arsenic, or at least they do it, to make it roll better, and it is a very difficult operation to roll brass without these poisonous elements. Arsenic is what is used.

Mr. VREELAND. How long has nine hours been the prevailing time of work in the factories of Bridgeport?

Mr. BREWSTER-GREENE. In the machine shops it has been the condition for about fifteen months.

Mr. VREELAND. How did it come about? It used to be ten hours, I suppose?

Mr. BREWSTER-GREENE. It used to be ten hours. There seemed to be a disposition on the part of the manufacturers there to anticipate the needs of the locality without waiting to be struck or having any fights on the subject, and they declared that after a certain date, which was three months later than the publication of this announcement, they would work on a nine-hour basis.

Mr. VREELAND. How do they compete with similar plants in other places that work ten hours?

Mr. BREWSTER-GREENE. They are on the seashore and have very fine facilities for transportation.

Mr. NICHOLLS. Were they requested to grant a nine-hour day by any of their employees?

Mr. BREWSTER-GREENE. At no time. Some years ago there was a strike for nine hours, but it was not successful. The time was ten hours before that strike and after it. There was no acknowledgment made of the demand.

Mr. DAVENPORT. Did you mention the Eaton, Cole & Burnham Company?

Mr. BREWSTER-GREENE. No; they supply the Government with a large number of pipe fittings, but I believe they are made to standard.

Mr. DAVENPORT. They make valves?

Mr. BREWSTER-GREENE. Yes, the Ashton valves; and then there is another valve made by our member, the Ashcroft Company. Those are supplied to the Government, but they are bought in the open market. They have what they call a special high-duty valve.

Mr. DAVENPORT. Do you include the Bullard Machine Tool Company?

Mr. BREWSTER-GREENE. I am not aware that they have any Government contracts. They make the Bullard Boring Mills. They have some of these machine tools at the Watervliet Arsenal and elsewhere.

Mr. DAVENPORT. Did you include those in the firms doing business for the Government?

Mr. BREWSTER-GREENE. No, I did not; because they are not included in the special Government contract work.

Mr. VREELAND. They would not come under the provisions of this bill?

Mr. BREWSTER-GREENE. They would not have to go out of business if this bill became a law.

Mr. DREW. The others would have to get out?

Mr. BREWSTER-GREENE. I should say that the American-British Manufacturing Company would, and it would very seriously affect the business of the other concerns I named when I first arose.

Mr. DREW. Are there any other questions? I believe that is all.

Mr. PAYSON. What have been the relations between the firms and corporations that you have named and their employees during the last year or two as to these hours of labor and the compensation and the ability to make overtime and be paid overtime prices?

Mr. BREWSTER-GREENE. The relations between employees and employers in Bridgeport have been amicable for the last five years.

Mr. DAVENPORT. For the last six years.

Mr. BREWSTER-GREENE. Yes, sir; thank you.

Mr. DAVENPORT. Before that there was a strike of the machinists.

Mr. BREWSTER-GREENE. Of the machinists; yes, sir. There was an incipient strike of the molders, but it did not gain any headway.

Mr. VREELAND. Do you think the men there would be willing to change over to eight hours with the same pay?

Mr. BREWSTER-GREENE. The nine-hour pay?

Mr. VREELAND. Yes.

Mr. BREWSTER-GREENE. With the eight-hour day?

Mr. VREELAND. Yes.

Mr. BREWSTER-GREENE. I think that question could be answered in almost any city of the United States in the affirmative; but that, I would ask you to understand, does not affect the overtime feature.

Mr. VREELAND. I judge you do not have any knowledge of the feelings of the men. You are not associated with them?

Mr. BREWSTER-GREENE. When I first went to Bridgeport I was in the machine department of the Locomobile Company. I worked with the men. I was asked to join the union, but did not. I was in intimate touch with the men. I wanted to get familiar with machine conditions before I took any higher position. I worked myself up. The feeling there among the men is one of great friendliness to their employers.

Mr. VREELAND. That was preliminary to asking whether the men would be willing to surrender the right to overtime pay for overtime work?

Mr. BREWSTER-GREENE. Oh, they would not do anything of that kind. The men themselves would not countenance any restrictions of the hours of work.

Mr. DAVENPORT. Some years ago I was told that they would be very much opposed to this if they knew what the provisions were. What is your opinion about that?

Mr. BREWSTER-GREENE. I have only been in Bridgeport two and a half years, so that I do not know about the feeling at that time.

Mr. DAVENPORT. No; I say four years ago I mentioned that statement. What do you say, from your knowledge of the conditions there in Bridgeport among the workingmen, as to whether, if they understood the provisions of this bill and its effect as to overtime, the cutting off of the right to work overtime for overtime pay, they would or would not be very much opposed to it?

Mr. BREWSTER-GREENE. They would be as much opposed to it as the manufacturers are, because the feeling in Bridgeport is that the community of interest is almost one.

Mr. PAYSON. And they are satisfied with existing conditions?

Mr. BREWSTER-GREENE. They are very much satisfied with existing conditions.

Mr. NICHOLLS. Did the men oppose the reduction from ten hours to nine hours?



Mr. BREWSTER-GREENE. The rates of wages in a large number of cases, in half the factories, I should say, were reduced; it gave them less wages and there was serious objection at one time, but it did not amount to a strike or even an organized protest; but they gradually rearranged their rates so that no one was discommoded. They wanted to give the men more time to themselves when they were not compelled to work overtime.

Mr. DREW. Following Mr. Nicholl's question, at the time when the decrease of hours meant a decrease in wages was there a corresponding opposition to the decrease on the part of the men?

Mr. BREWSTER-GREENE. It was not made felt.

Mr. DREW. But there probably was?

Mr. BREWSTER-GREENE. There probably was a slight objection among the men to a reduction, but it was made clear to them by their foremen that a rate would be arranged as early as possible which would make them earn practically the same as they did before, by a system of piecework which is practically universal throughout Bridgeport.

Mr. DREW. Can you give the committee any idea as to the number of employees of the Union Metallic Cartridge Company?

Mr. BREWSTER-GREENE. I can not tell you to-day what they have on their rolls, but their average about the 1st of October was between 1,800 and 2,000. Sometimes it runs higher than that.

Mr. NICHOLLS. Do you believe in any limitation of a day's work—of the hours of a day's work?

Mr. BREWSTER-GREENE. A limitation which way, minimum or maximum?

Mr. NICHOLLS. Maximum?

Mr. BREWSTER-GREENE. No, sir.

Mr. VREELAND. Do you mean by law?

Mr. NICHOLLS. As a general principle.

Mr. VREELAND. By law? Do you mean to be compelled to cease after a certain time?

Mr. NICHOLLS. Either by law or by agreement or by rules of the company, I will say?

Mr. BREWSTER-GREENE. It is a matter for mutual agreement between the employers and the employees. I do not believe it should be regulated by law.

Mr. NICHOLLS. Suppose that the company established a rule that the shop would close at the end of nine hours; would they heed the request of an individual or of two or three individuals to work any longer, or run the shop for the benefit of those few men?

Mr. BREWSTER-GREENE. I can not conceive of such a rule being established.

Mr. NICHOLLS. I think that you have informed us that the company itself established a nine-hour day.

Mr. BREWSTER-GREENE. Yes; what they call a nine-hour day; but they work overtime. That is the maximum limit, you understand.

Mr. NICHOLLS. Is it a minimum?

Mr. BREWSTER-GREENE. Well, you might say that nine hours was the minimum. There are some ten-hour shops in Bridgeport now, especially shops doing foundry and machine work, because they can not work nine and ten hour men alongside of each other.

Mr. NICHOLLS. If it was stated that there should be an eight-hour or a nine-hour day's work, what is the ordinary understanding of that term?

Mr. BREWSTER-GREENE. That a man will be paid for nine hours at the agreed rate of pay, and beyond that he will be paid overtime if it is customary for the firm by which he is employed to pay overtime for overtime work. Some of them do. They pay anywhere from time and a quarter to double time.

Mr. NICHOLLS. You would not agree, then, with a statement that the number of hours a day worked in a certain shop would mean a limitation of the number of hours?

Mr. BREWSTER-GREENE. Will you kindly state that again?

Mr. NICHOLLS. You would not agree, then, that a statement that shops that would work a certain number of hours a day and that that would be considered a day's work would mean a limitation of the day's work to that number of hours?

Mr. BREWSTER-GREENE. Your question is rather involved. If you will make it clearer I will answer it.

(The question was read by the stenographer.)

Mr. BREWSTER-GREENE. No; I should say not.

Mr. DREW. Would it not depend upon the amount of work to be done? If it was a busy time and overtime work was needed, they would work overtime, and if it was not would not the shop close at the end of nine hours instead of ten hours if it was a ten-hour workday?

Mr. BREWSTER-GREENE. Yes, sir.

Mr. NICHOLLS. Suppose I was a manager of a company and I issued a notice to the men to this effect: "On and after this date the shop will work nine hours per day," would you not consider that a limit of the day's work—of the number of hours?

Mr. BREWSTER-GREENE. By no means.

Mr. NICHOLLS. You would not?

Mr. BREWSTER-GREENE. If conditions demanded overtime, I would consider that you had perfect liberty to have them work overtime.

Mr. NICHOLLS. That would be an exception.

Mr. BREWSTER-GREENE. It would depend upon the business. In some cases they are always working overtime in Bridgeport, twelve months in the year.

Mr. NICHOLLS. What would be the need of stating eight hours a day if the men were simply to be paid so much an hour, with no limitation?

Mr. VREELAND. I should understand your question to mean that nine hours was the unit on which the pay was based for a day's work.

Mr. NICHOLLS. That is the answer the gentleman gave a while ago.

Mr. BREWSTER-GREENE. That is true, that nine hours is the basis on which a day's pay is arranged. Whether the work be by the hour or by the day, nine hours is understood; and if extra time is required, it may be paid at the same rate or more, according to the custom of the particular company under consideration.

Mr. NICHOLLS. I understand that you do not agree, then, that there is any fixed number of hours per day worked to-day in any of the industries?

Mr. BREWSTER-GREENE. No.

Mr. HASKINS. Fixed by law?

Mr. NICHOLLS. By agreement or by law or by order of the management?

Mr. BREWSTER-GREENE. No; except in the employment of women.

Mr. VREELAND. You except from that anything bearing on health or sanitation or anything outside of labor itself?

Mr. BREWSTER-GREENE. I am not speaking of any extraneous influences at all; just normal conditions.

Mr. VREELAND. For instance, the number of hours that engineers might work without risk might properly be fixed by law, having in view the safety of the public, outside of any question of how much work a man ought to do?

Mr. BREWSTER-GREENE. Personally I feel that that might be true, although I do not like to speak for anyone but myself on that.

Mr. VREELAND. I do not understand that that has any connection with this legislation.

Mr. NICHOLLS. Can you inform us what the demands of the workmen were there in relation to a nine-hour day—those demands that you spoke of?

Mr. BREWSTER-GREENE. Six years ago?

Mr. NICHOLLS. Yes.

Mr. BREWSTER-GREENE. That is something I do not believe I can tell you.

Mr. DAVENPORT. Through the country they determined on the 1st of May the day should be a nine-hour day.

Mr. NICHOLLS. I am asking this gentleman to tell me what he understood the demand to be.

Mr. BREWSTER-GREENE. This all happened before I went to Bridgeport, and I am not familiar with the conditions. I read them once, about a year ago, but I do not remember the details.

Mr. NICHOLLS. What was the name of the organization you spoke of, the molders?

Mr. BREWSTER-GREENE. They struck in behalf of the steel molders, who had struck.

Mr. NICHOLLS. That did not affect the eight-hour system?

Mr. BREWSTER-GREENE. No, sir.

Mr. DREW. Did you ever hear of any instance of the men demanding that there should be no overtime and striking for a nine-hour day?

Mr. BREWSTER-GREENE. There never was such a condition heard of.

Mr. DREW. Have you ever heard of such a strike, where the men demanded that there should be no overtime allowed?

Mr. BREWSTER-GREENE. No, sir; I never have. I should say it would be inconceivable that any man should do that.

Mr. DREW. I will add my testimony to that of the witness. I have been engaged in labor matters for five years and I never heard of a strike where the men said there should be no overtime and a strict number of hours a day without any possibility of overtime.

Mr. VREELAND. How about the strike of the printers?

Mr. DREW. That was a strike to fix a limit of the time. They have their overtime in every establishment.

Mr. NICHOLLS. Does it not mean a limitation of the day's work?

Mr. DREW. Not at all. The builders in the building business always work as long as the daylight lasts.

Mr. NICHOLLS. Will you agree to show us that the majority of the printers work more than an eight-hour day?

Mr. DREW. That depends on the trade. If it is a busy season they do, and if it is not, they do not.

Mr. DAVENPORT. It depends on the establishment, whether they run it all the time or only in the daytime?

Mr. DREW. Yes.

Mr. NICHOLLS. What do you understand by the term "overtime?"

Mr. BREWSTER-GREENE. Any time over the unit, either by rule of the establishment or by agreement between the establishment and its employees.

Mr. NICHOLLS. You would not admit that it was extra work?

Mr. BREWSTER-GREENE. Yes; extra work, overtime. Work must be done according to a unit, and extra means the same as overtime.

Mr. NICHOLLS. It is work over the regular unit?

Mr. BREWSTER-GREENE. Yes.

Mr. DAVENPORT. This is not strictly germane to what you are discussing, but could you tell the committee whether there is a large number of unemployed people in Bridgeport now?

Mr. BREWSTER-GREENE. Yes.

Mr. DAVENPORT. To what extent?

Mr. BREWSTER-GREENE. I should say there are 1,500 people out of work in Bridgeport.

Mr. VREELAND. Mechanics?

Mr. BREWSTER-GREENE. Not many mechanics, but a month ago there were a large number of mechanics out of work. They are going to work in large numbers again now.

Mr. VREELAND. What kind of labor?

Mr. BREWSTER-GREENE. Mostly unskilled labor.

Mr. HAYDEN. That is, they were out of work in consequence of the panic?

Mr. BREWSTER-GREENE. Yes; in the middle of December; but they are going back in large numbers now.

(At 4 o'clock p. m. the committee adjourned until to-morrow, Thursday, February 27, 1908, at 2 o'clock p. m.)

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SUBCOMMITTEE ON LABOR No. 1,  
HOUSE OF REPRESENTATIVES,  
*Thursday, February 27, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

Mr. EMERY. Mr. Chairman and gentlemen of the committee, in accordance with the line of testimony that has been submitted to your committee with regard to the practical application of the proposed bill, we have offered to you a line of testimony from gentlemen engaged in contractual relations with the Government, or proposed to be so engaged in the future, and there are here to-day a great number of witnesses who illustrate the immense interest which the business community feels in this bill. They represent two of the leading business organizations of Baltimore, the Baltimore Builders' Exchange and the Merchants and Manufacturers' Association. They represent investments in the city of Baltimore of hundreds of millions of dollars and employ over 50,000 men, and many of the gentlemen here are

now actually, or hope to be, contractors of the Government, and they feel very deeply interested in the measures proposed.

The CHAIRMAN. What is the association besides the Builders' Exchange?

Mr. EMERY. The Builders' Exchange of Baltimore and the Merchants and Manufacturers' Association of Baltimore. We desire to show you, Mr. Chairman, the practical working of the stipulations that will be required in the Government contracts under the proposed bill, and their absolute impracticability, as well as some of the dangers of the policy proposed by this measure. I should like to present Mr. I. H. Scates, the secretary of the delegation, who will present the witnesses to you. They have a great number of witnesses, and for the purpose of taking no more of your time than is necessary to present the evidence they appear to present it from those who have the largest experience.

**STATEMENT OF MR. I. H. SCATES, SECRETARY OF THE BUILDERS' EXCHANGE, OF BALTIMORE, MD.**

Mr. SCATES. Mr. Chairman, representing the Builders' Exchange as secretary of that organization, and as spokesman for the Merchants and Manufacturers' Association, I do not care to take up the time of the committee by any remarks of mine, but, as Mr. Emery has stated, I do desire to present to you gentlemen who, in their line, are practical, and who can answer questions and present the facts of the case as they see them regarding this bill. The employing capacity of these two organizations is great. The individual employing capacity of our membership is large in many instances. Many of our members who are unfortunate enough not to be able to be present to-day, have been contractors on Government work. They feel the hardship that will be worked upon them.

I now beg to present to the committee the first speaker, Dr. D. H. Carroll, president of the Merchants and Manufacturers' Association.

**STATEMENT OF DR. D. H. CARROLL, PRESIDENT OF THE MERCHANTS AND MANUFACTURERS' ASSOCIATION, OF BALTIMORE, MD.**

Mr. CARROLL. I represent a large corporation, the Consolidated Cotton Duck Company, possessing and owning 20 separate mills and employing about seven or eight thousand operatives.

I have been introduced as the president of the Merchants and Manufacturers' Association. That association represents 1,100 men—merchants, manufacturers, and financiers, the brightest and most capable, most energetic and progressive men of the city of Baltimore. They have raised a committee, a small committee, to appear before you and state their most enthusiastic antagonism, their most hearty, unalterable, undying hostility to the bill which is under consideration by you here. I shall not detain you with statistics; I can only wish to say that we are involved in this matter as manufacturers more particularly than as merchants; we are involved in this matter to the extent of millions of dollars. This association represents hundreds of firms and millions of dollars and many thousands of laboring men, and we wish to be understood, as I have just stated, as being

opposed to this bill for various reasons. Speaking, now, as a manufacturer, I would say that it would seem to us that this legislation proposes to hamper the Government; it certainly must result in that. It also must injure, and perhaps ruin, manufacturing, if it goes into effect. The Government is a purchaser, and I can not take any other view of this movement, of this bill, of this proposed legislation, than that the Government is going to be forced either to go out of business or to pay an exorbitant price for the supplies which it must have. It is hardly to be thought that the Government wishes to revolutionize the business, and I can hardly see that there is any solid ground on which the parties pressing this bill, and forcing it—for I will use that word, for it has been held here for years for action on the part of Congress—to justify this, unless it is a desire to revolutionize, overturn, and recklessly disregard the results of such legislation.

I speak as a manufacturer of cotton duck. We have great relations with the Government. I do not believe that the Government would get its supplies of cotton duck if we did not make it for them. I do not mean to say we make all, but there is so great a demand that even we, with all our mills, have not been able to meet the demand heretofore. Although the work we are doing is largely for the Government, we can not keep up with the demand of the Government; and I assure you, gentlemen, that this corporation is not going on an eight-hour basis, and this corporation is not going to take any contracts from the Government, if the Government says that it must be all made and guaranteed to be made under a rule or a law such as you are considering here. What we would say for ourselves, and as we would look at it ourselves, I think would be the same as others would say and would view it. It is impracticable, it is impossible, gentlemen, to make goods in a cotton mill, a part of which will go to the Government under an eight-hour law, and another part of which will meet the demands of the country, competing with those mills which are not in Government business, for many mills do not contract with the Government; their capacity is not sufficient to enable them to furnish the supplies promptly and regularly—I speak of cotton mills—and they keep out of that business, and it would be impossible, even if they wished to go into the business, at times to distinguish between the product, the material that goes into the Government business, and the material that goes into trade over the country or throughout the world. They must go on the eight-hour basis or they must give up Government business, and I assert it and believe it, and I emphasize it, as a matter of course, that they will give up the Government business. It is not particularly nice business, anyway: I mean by that, the Government has a right to have things done nicely and well, and many of the mills can not meet the requirements without trouble, and it would not require a great deal for them to go out of this business. If it is the policy of the legislature, if the Congress of the United States finds it is in its province, that it has a high and noble sphere to embarrass the Government and destroy the operations of the Government, you are certainly pursuing an excellent course to accomplish that result.

It is not right, Mr. Chairman, to do by indirection what you can not do openly. It has been asserted, and we think it looks very plausible, that the purpose is to force the business of the country on an eight-hour basis. We do hope that the committee will not be led to take

such disastrous and drastic action as would force the private business to do what they would not do otherwise than under the action of Congress. It is not right to act as grandfather and grandmother, or father and mother, to all the people of this country. Do let the people have something to say about their own affairs; do allow the business of the country to be conducted upon a basis outside of Congressional action; let the people in the different States and in the businesses conduct their own affairs without getting into hostility with the Government. I think your good sense and large experience and your patriotism as well would lead you to coincide with this general view of the case. If this bill should pass and we should be compelled to go on an eight-hour basis, what becomes of our commerce, what becomes of our ability to compete with Germany and with other countries?

We have trouble enough with Japan and with China and with the countries which are now in rather better condition than ourselves, and we do need this outlet for trade, and we should not be forced—it would be unjust, it would be unpatriotic, I think it would be disastrous to the country, to the commerce of the country and to the well-being of the country—if we should be forced by Congressional action to go on a basis which could not be maintained here long in view of the competition of the country. If the Congress of the United States controlled all nations and we wanted to fix on a reasonable number of hours to work it would then be fair for one and fair for the other. We must take care of our own interests, and you will take care of our interests, I know. The commerce and manufactures of this country must be dear to you and I can not believe individually, and I can not believe speaking as a representative of this association, that this committee would ever favor the drastic, the disastrous, and revolutionary principles that lie under as a basis of this movement.

I would like to say further that we have here some representatives of the Merchants and Manufacturers' Association, and I would be glad indeed if Mr. Matthai, who is the chairman of the committee on manufacturers of the Merchants and Manufacturers' Association, would follow these words of mine with a few remarks.

Mr. PAYSON. I would like to ask the gentleman a question.

Mr. CARROLL. I would be glad to answer any questions that I could.

Mr. PAYSON. What are the hours of labor, as a rule, in the manufacturing establishments with which you are connected or in which you are interested?

Mr. CARROLL. Ten hours. There are mills scattered all over the country, and in the South it is a little more than ten—ten and a half or eleven—but I think they are getting down to the ten-hour basis.

Mr. PAYSON. No one of them as long as ten hours a day as a unit?

Mr. CARROLL. No, sir.

Mr. PAYSON. What are the personal relations between you as an employer and those with you as employers and your employees, as to their being amicable, taking into account the hours of labor and the wages which you pay? Is there any friction on either of those questions to-day?

Mr. CARROLL. Not on any of them, neither between the employers, as related to the employees, or the employees as related to the employers. We have no strikes; we have not had any strikes in our mills, and we have no antagonism, no open antagonism.

Mr. PAYSON. In a word, the condition is one of satisfaction between employer and employees?

Mr. CARROLL. It is.

Mr. PAYSON. In all the interests in which you are interested?

Mr. CARROLL. It is, yes, sir; very positively so. The trouble is that we can not get hours enough.

Mr. PAYSON. I will ask you one other question that occurs to me, because it has been a common theme of inquiry in this investigation. Have you such a thing in any of your mills as overtime work?

Mr. CARROLL. Very rarely.

Mr. PAYSON. That is all, then; I do not care for any exceptions.

Mr. CARROLL. In the Spanish war, of course, we ran then, though there are laws generally covering children and women, and in some instances, men, though in Maryland, I think, there is no law governing their time.

Mr. EMERY. I ask in conclusion, in view of what you have stated to the committee, as Government contractors, in the large concern with which you are connected, would you continue to supply the Government with your product under the conditions fixed by this contract?

Mr. CARROLL. It would be impossible for us to take any contract, if the goods are to be made and produced under an eight-hour law—absolutely impossible—and I do not think, Mr. Chairman, if I may be allowed to go a little further, that there is a manufacturer of cotton goods but who would emphatically indorse that statement. The Government trade is not as large as all other trades put together, not by any means as large; it is a large factor, but it is only a factor, and it would be suicidal for the mills to give up the other trade to take Government contracts. The consequence of it is as plain to my mind as that two and two make four, that this bill contemplates putting the Government in a hole, and under any circumstances it contemplates mulcting the Government in damages or losses to a very great extent. If it did not drive it out of business, it would certainly put it to an enormously increased expense. For instance, take our mills; I do not believe that the Government could get half its supplies from all the country combined if our mills were not supplying it on Government contracts, and that shows that there is not a surplus of making; the opportunity of getting would be so reduced that it would be the most serious legislation, and it would appear to me that it is asking Congress to take action that proposes to embarrass instead of promote the general interests of the General Government.

#### STATEMENT OF MR. WILLIAM H. MATTHAI.

Mr. MATTHAI. Mr. Chairman, as Doctor Carroll has stated, we represent a very large volume of capital and labor employed in the city of Baltimore. I am also secretary of the National Enameling and Stamping Company, which has eight branches in the country. We have one at St. Louis, one at Milwaukee, one at Chicago, one at New Orleans, one at Philadelphia, and one at Baltimore. We employ between 7,000 and 8,000 men—hands, including men and women, but mostly men—and we have heretofore been manufacturing, to a limited extent, goods that we have supplied to the Government. It is a small proportion of our business, and it goes without saying that if we were forced to



comply with the law as laid down in this bill it would prevent us from making any goods for the Government. The percentage in that line is small, but at the same time it is important to the extent that we do that work, and probably important to them. Another point that Doctor Carroll has referred to is the placing of us in a detrimental position as far as competition is concerned. Our largest competitor at present is the German manufacturer on the enamel line of goods. We are protected by a 40 per cent duty, yet, notwithstanding that, their wares are being largely sold in this country and the importation is on the increase. Of course it would hamper us, particularly so if we were forced by the stepping stone, which will likely be the case, from going from our present hours of labor, which are ten hours a day, to an eight-hour day; it would force us out of a good deal of the market we are now having.

I do not see how it is possible for us to define a part of the bill. I think, among the exceptions of this bill are certain supplies. I do not see how you could separate one from the other. Ours would be in the nature of a supply for the Government and we are excepted, but there may be some doubt as to that. I believe from what I have heard in reference to it that there is a question of just where the supply would begin and where it would end and the nature of this supply and that supply. I therefore think it would be an injustice to the manufacturers—it certainly would be in our line—and I think it would be a decided injustice to the Government, because it would be the means of increasing the cost of all the goods if anyone would prepare to conform to the law as it is stipulated by this bill, and it would be the means of increasing the cost, to a very great extent, of all supplies that are furnished them. I just want to say this, in just a few words, in opposition to the movement. On one occasion I was before a committee of which Senator McComas was chairman, on the same bill, and we entered a protest, and protests were extensive, and I believe well taken, and I hope you will so consider them.

Mr. HASKINS. What kind of goods do you manufacture?

Mr. MATTHAI. We manufacture such goods as what we call hotel cooking utensils, some copper utensils; then we manufacture, to a very large extent, enamel goods, such as the smaller cooking utensils in the enamel line. As a rule, the larger cooking utensils are made out of this heavy material which we call hotel ware.

Mr. EMERY. When made for the Government, are they made under particular specifications?

Mr. MATTHAI. Generally so; the tinware is always made under particular specifications. We had an occasion to supply a request from Jeffersonville during the past year, on which we found that the specifications were so technical and so particular that we experienced a loss of about one-third of the amount of the contract; we had to make the goods over again, very much to our regret.

Mr. HASKINS. How many men do you employ?

Mr. MATTHAI. We have between 7,000 and 8,000; we have a steel plant in connection with our work; we have a steel plant at Granite City, of which Mr. T. K. Niedringhaus is president.

Mr. HAYDEN. What are the relations between the employer and the employees—between you and the employees of your company?

Mr. MATTHAI. I do not think we have had a strike. We have been in operation since 1899, and except on one occasion at the steel plant.

I think probably for three or four months, there were some differences as to the wages to be paid to the men under the amalgamated scale, and we were stopped a little while, but outside of that we have never had any strikes in our mills or factories.

Mr. PAYSON. Are you not able to state it a little stronger than that? You might not be on the eve of a strike, and yet the conditions be those of friction. As a matter of fact, are they amicable?

Mr. MATTHAI. Very much so. There is no occasion that I have seen of dissatisfaction. The only trouble has been during the last three or four months we have had to close some of our factories, and we have tried to mitigate the troubles by shortening the hours during this time and giving more men work.

Mr. PAYSON. That is owing to business depression?

Mr. MATTHAI. That is since the 1st of October, yes.

Mr. HASKINS. Speaking in behalf of your men, your employees, do they demand or require the eight-hour or the nine-hour day, or do they prefer to work ten hours?

Mr. MATTHAI. We have no way to gauge that, sir; we have had no demands made on us. During 1906, in the summer of 1906, we voluntarily decided to close in the afternoons on Saturdays, but we wanted to know whether they preferred to take a half-hour for dinner and give them the extra hours Saturdays, or whether they preferred to continue as they had been doing. Most of them preferred to continue as they had been doing, but notwithstanding that we compromised, and instead of getting off the five hours on Saturdays, we gave them two hours and a half and paid them the same as we had been doing.

Mr. PAYSON. Do you have, in your work, such a thing as overtime work in times of business activity?

Mr. MATTHAI. Yes, sir.

Mr. PAYSON. Do you pay for overtime?

Mr. MATTHAI. We pay about 25 per cent advance over the regular wages.

Mr. PAYSON. Is there any objection on the part of the men to working overtime?

Mr. MATTHAI. As far as I can tell, they seem to be anxious to take advantage of it.

Mr. PAYSON. That is your experience with your work?

Mr. MATTHAI. That is our experience.

Mr. EMERY. Do you say also, Mr. Matthai, that in your experience as a large employer you find, as a matter of fact, the men can do as much in eight hours as they can do in nine or nine and a half?

Mr. MATTHAI. I do not see how they possibly could, because a large part of our work is done by machines, and of course as much work could not be done in eight hours as in nine or ten.

#### STATEMENT OF MR. JOHN TRAINOR, OF BALTIMORE, MD.

Mr. SCATES. Mr. Chairman, we have endeavored to distribute our speakers among the various branches of the trades represented by the builders exchange. It is, I may say, an organization of contractors and subcontractors in the various lines of building construction, and I beg now to present Mr. John Trainor, master builder of Baltimore, and the employer of a great many men.

Mr. TRAINOR. I am a member of the Builders Exchange and one of its directors. Personally I am engaged in the steam heating and plumbing business. I have executed some contracts for the Government from time to time, and we are continually figuring on the Government specifications. In recent years we have not been as anxious for Government work as we previously were on account of this very question. Labor is the only thing that we handle, together with finished goods. We buy a finished article in our business and then we hire the labor to put it in place. We have been rather loath to take on heavy Government contracts recently for fear of the troubles that come from just such legislation as this. The Government is a good customer to any one who can get business from it, because they get paid; we all get paid if we deliver the goods and execute our work for the Government; hence, we like to have an opportunity to do business with it. As I say, I recently have hesitated to take on large contracts for this season; as this bill now stands, I would under no circumstances accept a contract, because I do not consider myself competent to interpret the meaning or foresee what the Government officials, from the judges of the courts down, would think of the provisions of this bill.

Buying materials in a finished state deprives me of any opportunity, in my business, of knowing how they were handled before they came to me. As I understand the provisions of this bill, I would have to follow the goods practically to the mines in order to know whether the stone and the iron and the enamelware and the brass goods, and everything that enters into our business, according to the provisions of this bill, as I understand it, was prepared according to the conditions of the bill or when pay day came, no matter though we completed our contract satisfactorily to the specifications, we would have deducted from us the penalties provided in the bills for the days that common labor worked upon it, or some skilled labor in the factory where it was manufactured, that was not in keeping with the provisions of the bill. That, as we are all aware, is to be deducted from the face of the money when pay day comes. Not knowing how many days those men worked, or the risk of being found out, we certainly hesitate.

Labor is a troublesome proposition anyway when you deal with it exclusively. Labor is as dear as diamonds and very uncertain as to its product—what it will produce in a day—which makes it very unsafe for any responsible person to take on contracts where there is so much technical requirement. For myself, I would not under any circumstances take a contract if this bill becomes a law; I would not take a contract from the United States Government. The percentage of business that I could get from the Government in competition with other people would not be sufficient to justify me even if the risk were not too great to have all common labor that is employed upon it work an eight-hour day. I am not certain as to what is the meaning or the interpretation of a "mechanic," as defined by the United States Government. If it includes the draftsman or the foreman, it would preclude the possibility of successful operations in my business, for the reason that there is no draftsman, there are no two men who can superintend the same job and do it intelligently and economically. The foreman or draftsman who is on the building in the working hours would necessarily, in order to be ready for the next

working day, go to his office or the office of his employer and prepare to lay out the work for the next day. He might do it in an hour, he might do it in two hours, he might do it in half an hour; but if he left the building when the clock struck and did not make any provision for his workmen for the next day there would be an expense entailed, a loss of motion, a loss of production, that would be disastrous and would cause the Government to have to pay dearly for it, because in the estimating for such work the next time all that would be added on.

I can not conceive, if this bill became a law, gentlemen, how any manufacturer, unless he got the exclusive business of the Government, could adjust his machinery to work under it. It looks to me as if the Government, under a bid, would find it necessary to get into competition with men in our line of business and do this work themselves, because then they could do it, probably, because they would have no competition; we would not be in competition with the Government, but we can not conceive that that is the Government's purpose. We believe it to be the legitimate purposes of the Government to see, as Doctor Carroll says, that we have a fair opportunity in the various States and under the jurisdiction of this Government to compete with each other in a legitimate way; it encourages enterprise; it encourages inventions; it encourages everything that this Government and its people should stand for, and with Doctor Carroll I do not believe that the good sense of this committee will fail to dictate to it the wisdom of giving us that opportunity, and making laws that will preserve us and give us an equal chance and leave something for ourselves, as Doctor Carroll well said, so that we may make the regulations and innovations and get into enterprises that will day by day better the conditions of the individuals, and certainly that will better the conditions of the Government.

We are not just in the position of the manufacturer; we are not so much afraid of labor from other countries interfering with us, though it does do so to a considerable extent. That, we think, we could regulate, but we do not wish to be driven from the field of competition and have to give up the Government business. I have been thirty years engaged in Government work and in private work, and what little substance I have accumulated I never intend to have wasted by an interpretation placed upon a specification after the contract is partly executed that would take away from me the results of the industry I have practiced in all these years. I therefore beseech you, gentlemen of the committee, not to recommend legislation of this character that would have that result.

The CHAIRMAN. Just what is there in your line of steam fitting and plumbing that is not such an article as can usually be bought in the open market; radiators are matter of supply usually bought in the open market, are they not?

Mr. TRAINOR. As we understand, Mr. Chairman, they are not, because as we understand the interpretation the Government specification, in all this work, it has the earmarks of special goods, I think. They will say a radiator so and so; they will specify it, and then it has to have something else a little more perfect than in the ordinary work.

The CHAIRMAN. Is not the bill plain on that, saying whether to be made on particular specifications or not?

Mr. TRAINOR. In other words, the exception is, the Government could buy it, but I could not buy it for the Government.

Mr. EMERY. I will ask you whether you know whether the thing would be termed an article or a supply?

Mr. TRAINOR. That is one of the mysteries; I might put an interpretation upon it myself, but whether or not the interpretation would be the correct one as construed by the Government, I could not say.

Mr. HASKINS. Do you secure these materials in the open market, or do you secure them through subcontractors?

Mr. TRAINOR. In answer to that, sir, if I understand your question correctly, the goods are finished when they come to us.

Mr. HASKINS. You said they were.

Mr. TRAINOR. Then they are gotten out of a quarry if they are stone and they are gotten out by common labor and polished and finished and put into shapes to suit the specification. But they are not in the open market, as I understand it, because they can only come from one place.

Mr. HASKINS. Suppose it is pipe—heating pipes—or plumbing or radiators?

Mr. TRAINOR. Ordinary wrought-iron pipe can come from any place, but radiators come by name and number. If they take the Rococo radiator, that is only made by one firm in this country, or any other country, and then the Government provides that it shall be provided with certain valves that are made by some one but are not in the open market.

Mr. HASKINS. Do you buy them in the open market, or do you contract for them?

Mr. TRAINOR. I buy them from the only concern that makes them; I get them to give me quotations on them, and they make them up according to specifications.

Mr. HASKINS. Then that is done by contract?

Mr. TRAINOR. That is done by contract by them; yes, sir.

Mr. EMERY. As to your various plumber supplies, Mr. Trainor are they not made specifically to fit the particular job they are intended for?

Mr. TRAINOR. In nearly every case, that is, in a good case; if it is an important building, they are nearly all so.

Mr. EMERY. You say, Mr. Trainor, that you might have some doubt as to the application of the term "mechanic." Do you not know that the Supreme Court of the United States had the same difficulty in distinguishing between a mechanic and a sailor?

Mr. TRAINOR. I am not familiar with that ruling.

Mr. NICHOLLS. How many hours a day do your laborers work?

Mr. TRAINOR. Skilled laborers work eight hours; a certain class of unskilled labor works nine and another class ten.

Mr. NICHOLLS. Do your plumbers all work eight hours, and your steam fitters?

Mr. TRAINOR. Yes, sir; every one.

Mr. GOEBEL. I hold in my hand a telegram signed by the Employers' Association of Cincinnati, in my district, who desire to be heard in opposition to the eight-hour bill, and desire also to be notified when they might have a hearing. I want to submit that to the committee, and if the committee should determine to hear them, to inform me in order that I might inform them of the time; and if not, in order that I might inform them of that fact.

Mr. MADISON. I want to submit the same request on behalf of the Employers' Association of Kansas City, Mo., not in my district, but in my section of the country. I have a telegram to the same import and I would like to be informed in respect to what Mr. Goebel has inquired, and would like to know as soon as you can let me know about it, in order that I may wire them.

Mr. S. M. KNOX. I am here on behalf of the New York Shipbuilding Company, Camden, N. J., and that company would like to have an opportunity to be heard in opposition to this bill on some day to be fixed by the committee.

Mr. EMERY. Mr. Chairman, while the committee is on that subject I should like to say that there are a number of applications from the persons whom I represent, the Thompson-Starrett Company, one of the largest contractors of the country, who want an opportunity to appear here and protest; the Manufacturers' Association of Philadelphia, the American Bridge Company, and several other large concerns which have had no opportunity to present witnesses to this committee. We have a great number of other witnesses we would like to present also, all representing branches of industry very seriously affected by this bill, all just as much interested in it as are the gentlemen who betray their great interest in it by their presence here to-day.

The CHAIRMAN. The order under which the subcommittee is working closes the hearings on the 27th, which is to-day. There are two special orders, one for the 2d and one for the 3d of March, Monday and Tuesday next. I have made some inquiries this morning as to the condition of the Calendar. The army bill is now on. It will be followed by another appropriation bill, probably the post-office bill, coming up on Monday or Tuesday. I can not conceive it possible that that bill would get off the floor under four or five days. It is certain that the army bill and the post-office bill are going to have the right of way, so that by no possibility could anything be gained by getting this bill on the Calendar before next Friday or Saturday.

Mr. RAINEY. Mr. Chairman, I think we ought to hear from all these interests unless the testimony they propose to give is merely cumulative, and there is no reason why we should sit here for a month or two and hear witness after witness testify, each one simply repeating the testimony and the ideas of the preceding witness. If any of these interests have anything new to present, any arguments that have not been exhausted heretofore, if it is not merely cumulative, I think we ought to hear them in spite of the rule, but we ought to have some assurance that it is something new.

The CHAIRMAN. That, Mr. Rainey, we can not determine in advance. We are in the hands of the attorneys as to that, except, of course, it would be possible to rule it out if it was merely cumulative, after it comes. I admit that we are consuming time, Mr. Emery, on one line; I believe that every witness who has appeared so far has stated most unequivocally that with the pending bill a law the interests which he represents would cease taking Government contracts. We are loading the record with disquisitions on what would happen after, by this legislation, we force a general eight-hour day, in the competition with Germany and all that sort of thing. Both propositions can not be true.

Mr. RAINEY. There are only two ways of keeping this bill from before the House, one is to refuse to report it out, the other is to

keep on hearing evidence until it is too late to do anything with it, and I think that the latter alternative ought never to be resorted to, because this committee is being criticized from sea to sea on account of that very thing. The argument is being advanced that witnesses are being produced here simply for the purpose of delaying this hearing until everybody can escape responsibility—members of the committee and everybody else, by simply saying: "We had to hear everybody, and they consumed so much time that we could not get it on the floor so that Congress could consider it." That is the reason why I have suggested that these gentlemen should all get a hearing, if anyone has anything new, that is not merely cumulative. I am in favor of hearing them. But a court of justice would not sit and hear witness after witness if the testimony added nothing and was simply cumulative. There is a way of limiting it there, in all the States and in all the courts, and we ought to limit it here in some way.

Mr. NICHOLLS. I would like to say a word on this point. I want to say that I am opposed to continuing the hearings any further than we have arranged to continue them. The working people of the country know that legislation of this kind is killed in committee; they know that the members of the committee hide behind the fact that they have been importuned for hearings. I have had some experience in getting legislation before committees, and that is the way to kill it when no other way will avail, and as one of the committee I want to go on record as in favor of standing by the decision the committee has already made. This bill has been heard before this committee for several years, I am informed, and the same evidence has been given over and over and over again, interspersed with a lot of stuff that is not relevant at all to the question. So far, all I have heard here has been repeated almost by each witness the same as the one preceding, bearing upon the fact that they do not understand the interpretation of the bill, and yet they believe that it will prevent them from making contracts, and they fear that the eight-hour day adopted in the Government work will affect their industry and compel them to also give an eight-hour day to their employees, whether they are doing work for the Government or not.

As one of the committee I have heard sufficient on that point, I think, to judge from, and the other members of the committee have been on it, most of them, for several years, and I think they have also heard enough, and we ought to take some responsibility upon ourselves as a committee. I think that the members of this committee also have some judgment; they are given the responsibility, at least, to decide, and I think that they are eminently able, after what they have heard, to decide as to the merits of this question, and I think we ought to do that. For one I am willing to take the responsibility of deciding, but I feel that the rest of the committee ought to also. If we report the bill to the House, there will still be an opportunity for either House to present the case through the representatives who may vouch for the bill or who stand in opposition to it. I favor reporting the bill, so that the Members of Congress will have a chance to vote for the bill. That is my attitude from what I have heard. I believe we have heard about all that can be said, and I am against having this hearing continued so that the bill may be held so long that it will not be reported. At another session I think the bill was reported to the House, but on the last day

of Congress, and of course could not be considered by the Senate, and the workingmen say that that is the tactics of the employers in such matters. I am unqualifiedly opposed to continuing the hearings any longer.

The CHAIRMAN. It still remains true that in the condition of the calendar nothing can be lost by devoting next Wednesday, Thursday, and Friday to the hearings if the committee so desire. We know the condition of the calendar and we know, whatever may be the talk by suspicious people, from sea to sea or elsewhere, that no delay can result by the adding of the three days that have been specifically applied for next week.

Mr. EMERY. I feel, in view of the interests which I represent before the committee, that there is one word due in justice to them, and I want to say that, on the part of one who has produced the largest number of witnesses here, that the committee will observe from the record that no witness who has ever appeared before this committee before has appeared here at this time; that the interests which have appeared here have been, in a nature, quite different from those that have been present at any other session, and instead of trying to take the time of the committee, it has been the effort of the attorneys representing the protestants on this bill, to save the time of the committee. We have been overwhelmed with requests from all parts of the United States, to secure an opportunity to make a protest to this committee, from gentlemen who are very deeply concerned because they are the employers of thousands of men and represent the investments of millions of dollars, and I do not hesitate to say that when the term "workingmen" is used, that of course it is meant the organized working men. The organized working men have declared that they want a bill of this kind passed, and by their actions have declared that they want overtime. Consequently we have presented to you, through the representative employers, thousands upon thousands of workingmen in opposition to this bill, who are not represented by any gentleman who appears here as a proponent of the bill; but when it is said that the workingmen of this country favor this kind of legislation and this bill, we desire to say in protest to it, that we have offered the testimony of thousands of men who are not represented by any organization that has appeared here as a proponent of this bill, who do not favor it by their practice, and this is a time, gentlemen, when action speaks louder than words.

The CHAIRMAN. I think it is fair to say that the evidence so far produced before this committee has been more to the specific point, more directed at something, than any line of hearings that has ever been before it on this subject.

Mr. PAYSON. I desire to indorse this, having been with this movement in opposition to this legislation for many years. I indorse earnestly and cordially the observation of the chairman in that regard.

#### STATEMENT OF MR. HERBERT J. WEST, OF BALTIMORE, MD.

Mr. SCATES. Mr. Chairman, I beg to introduce to this committee one of our prominent members, a large contractor on Government work, Mr. Herbert J. West, who represents the Baltimore Ferro Concrete Company, who built a great many of the public buildings at Annapolis.



Mr. WEST. Mr. Chairman and gentlemen, as a member of the Builders' Exchange, and president of the Baltimore Ferro Concrete Company, a large corporation making a specialty of reinforced concrete construction and having built five or six structures for the Government at Annapolis of that construction, we want to enter our protest against the enactment of this bill on the same grounds, practically, that the gentlemen before me have enumerated. I further want to say that by the very reason of this eight-hour law, there is now ten or twelve thousand dollars retained by the Government there on account of delays, which have practically been caused by this eight-hour law. We have recently finished a contract there with the Government, on which contract there were only two competitors by reason of this same eight-hour law, and if this thing goes on, we shall certainly be obliged to withdraw from any competition on this character of work, as every particle of material that enters into that construction comes from large mills, and is largely special work gotten out by special specifications, and that would prohibit our entering into such contract.

The CHAIRMAN. Just indicate how you have been delayed in the past contracts by the eight-hour law.

Mr. WEST. By its being impossible to get a suitable number of workmen at this point, so that we could carry on this work.

The CHAIRMAN. To do the work in eight hours a day; that is the point?

Mr. WEST. Yes, sir. If this clause in there applying to mechanics is construed as we think it is to be construed, that would reach every officer of our organization, as each and everyone of them is considered a mechanic; we are obliged to go over the work at all times, day and night, and we could not confine ourselves to an eight-hour proposition.

Mr. Haskins. Do you have any difficulty about securing men to work eight hours; at least such men as you want?

Mr. WEST. No; except in small places such as this town in which this work has been done—Annapolis. We have had no difficulty in securing any number of men who wanted to work nine or ten hours. Most of our men are men of that character; they are concreters who have to be trained in this character of work. It is a growing industry, and there have been millions and millions of dollars expended in the last ten years. It is almost entirely superseding other characters of construction. It requires a certain amount of training in the laboring classes, and these men invariably want to work nine or ten hours.

Mr. HASKINS. That is what I wanted to know, whether the men wanted to confine themselves to the eight-hour work, or wanted to work longer, and for that reason you could not get as many men as you wanted, because they wanted to go to other jobs.

Mr. WEST. Exactly; the eight-hour day is a day the men we employ do not want. We work them overtime and they want to work overtime. We have other difficulties in working for the Government, but inasmuch as we are obliged to work these men only eight hours, it is almost impossible for us to keep the same character of men in other sections of the adjacent country to do the work. When they find this condition they want to be put on the eight-hour day, although they desire to work nine hours.

Mr. NICHOLS. Tell us what causes them to desire to work an eight-hour day when they want to work a nine?

Mr. WEST. It is simply a matter of habit with them, I suppose.

The CHAIRMAN. You mean they prefer to work the longer day for greater pay?

Mr. WEST. The longer day for greater pay; it is a very short work for them. Oftentimes these works are in remote sections, which takes a long time for them to reach their work, and the eight-hour day is a very short day.

Mr. HASKINS. You can not work beyond eight hours in your contracts with the Government?

Mr. WEST. No.

Mr. HASKINS. So if the men want to work longer, they can not?

Mr. WEST. No; and for that very reason we can not get a full quota of men on this work, especially in a small place. That is about all I wish to say.

The CHAIRMAN. Let us get that clear. You do not get the full quota of men to work eight hours; that is because you can not pay as much for the eight hours as for the longer day; that is the reason of it, is it not?

Mr. WEST. Yes, sir.

The CHAIRMAN. You do not pay as much?

Mr. WEST. No, sir.

The CHAIRMAN. What is the difference?

Mr. WEST. We usually pay as much, the laborers usually demand the same for an eight-hour day as for a nine-hour day in another section.

#### **STATEMENT OF MR. F. S. CHAVAUNES, OF THE CHESAPEAKE IRON WORKS, OF BALTIMORE, MD.**

Mr. SCATES. Mr. Chairman, with the disposition to bring before you, as I said before, the various lines that are represented, I desire now to present one of our members who is the president of a large corporation in the iron business in Baltimore, and in order that he may show the troubles that this particular bill would work in the organization of his factory, Mr. Chavaunes, of the Chesapeake Iron Works.

Mr. CHAVAUNES. Mr. Chairman, as an officer and member of the Builders' Exchange of Baltimore, and president of the Chesapeake Iron Works, I simply want to add my protest to the enactment of a bill of this character, which will make it obligatory, on a concern conducting a manufacturing business, to operate under the eight-hour basis. The special reason why we object to it as manufacturers is from the very fact that it is impracticable to segregate the work.

I want to be more specific, for fear that the gentlemen of the committee are not familiar with the manufacturing processes. We will start from the very initial point, when we unload a car of material. The carload of material comes in from the mill; it is ordered from time to time, and in making up the shipment they will combine the Government material with the private material. When the material comes in on the track there is a question involved—the unloading of that car. We employ men who do nothing but go through the unloading process, who of necessity have to unload both lots of material. There, at the very initial point, we are confronted

with the proposition. Then as we go through the fabricating of that material, we start off with the laying off of that material—I am eliminating the designing of it and all that—we start off with the laying off of the material—that is, we have templets and drawings that we draw from, and we indicate the sizes and the location of the holes; we have men skilled in that particular branch of the business. You see how impracticable it would be where this man is employed to take the work as it comes through from the unloading of the car and goes through the shops. It would be impracticable to designate him for one piece of work and then another man for another piece of work—Government work. He would simply have to work on the Government work alone, or else, if we did not have enough Government work, he would be idle for several hours during the day, because he could not do anything else.

When we get to the machinery, we have a man at the machines; that man operates the machines, and he does the work as the work comes through. It has to come very promiscuously in an establishment of that kind; and, as a consequence, the Government work comes along, and it will be impossible for that man to work, for the minute he touches that work he could only work eight hours in that establishment. The whole establishment would simply be disorganized from that standpoint. It seems impracticable from my point of view to segregate the work and work a certain number of hours on the Government and a certain number of hours on the private work.

In the next place, it would have a tendency to cause dissatisfaction among the employees. One man working eight hours and another nine, there would be jealousies, and it stands to reason it would simply upset an establishment. What would that imply? It would simply mean this, that a concern that was doing practically nothing but Government business would step out of the Government business altogether. We would simply have to deny ourselves the privilege, as citizens of this country, of partaking in the opportunity of supplying the Government a part of their requirements, for the simple reason is that it would be impossible, if we undertook the work, to arrange it without being subjected to these fines; it would be impossible. It strikes me that from that point alone it would seem that that was sufficient reason for this committee not to report this bill.

There is another feature about that matter, and that is the fact that to-day, together with all other manufacturers, we are shut down. Why? For the reason that we have had such an amount of legislation, such an amount of agitation, that it has disorganized and disrupted everything, and we are out of business, we are suffering. The laborers and the mechanics, unfortunately, are suffering with us; the only difference is that as a rule the manufacturer is a little more foresighted and has provided himself for these contingencies, while the average mechanic spends as he goes, and as a consequence he is suffering, and this agitation, in the way of trying to force on us a limited number of hours, is only reacting on them all the time; this starting of an agitation is causing capital to be withheld and is causing suffering. It does appear to me that from the very fact that while we were prosperous it was almost impossible to employ enough good mechanics to conduct your business, working on a nine-hour basis as we are working, it does seem to me as if when this

resumption of business that we all look for and hope for comes upon us, we will be confronted with a stringency in labor. What does that mean? It simply means that if we work overtime, I do not know whether we have any right to work overtime or not, but if we do, we will have to pay 50 per cent advance.

Now, then, if we could not employ good mechanics when we were busy, does it seem reasonable or economical to put us in the position of being forced to work less hours than we did before, and, as a matter of fact, it is well known to these gentlemen of the committee that almost every manufacturing industry of any consequence has suffered from the effects of increased cost of manufacturing and increased expense. I do not believe that anybody will deny the fact that the manufacturers, generally, have gotten a very little in the way of investment; the high cost of labor and the lack of efficiency of labor are what are eating us up to-day, and eating up every manufacturer in this country. They will not work, for the simple reason that there is a certain amount of work permitted to be done, and beyond that they dare not do any more, and the manufacturer, and the community at large, are paying for that inefficiency. I do not think that permits of any argument, because it is a well-established fact that we have more or less efficient mechanics—that is, they are not so inefficient that they will not work. Anything that will tend to increase the cost of manufacture to-day, will, of necessity, make it that much more expensive for the Government, and I think from that viewpoint it is but proper that we should let the manufacturers and the community at large take care of these matters, rather than indirectly use the Government as a means to force them into that position.

Mr. HASKINS. When you spoke about material, what kind of material did you mean?

Mr. CHAVAUNES. In the first place, to be more specific, we manufacture all classes of ironwork that enter into a building; we furnish the steel structures; we furnish stairways, elevator inclosures, and things of that character. We buy the finished product or the raw material; from the mill, the plain material. I have not gone into that phase of it, because I believe that I have a right to go to the mill and buy the raw material. I would regard that as being a staple article. Then we work the material up into different shapes or erect it and put it into the building.

There is another feature that I failed to call to the attention of the committee that there is in connection with our business through work that we have to do. For instance, we go out into the market, it may be some brass work, or some other character or ironwork, something that we are not manufacturing ourselves but enters into the contract on this building. What assurance have we, when we buy that material that the rule has been adhered to, that the manufacturer from whom we buy that material only worked eight hours. That would imply that we would be liable to a fine if it developed afterwards that it was manufactured where they did not work eight hours. There are endless amounts of difficulties, it seems to me, that are insurmountable, when you go into the different phases of it, and I told you that the industries at large in this country are suffering to-day from this legislation that is trying to control us and tell us how many hours we shall use and just what we shall do. It strikes me the law of supply

and demand would have a tendency to control that end of the business.

Mr. EMERY. Mr. Chavaunes, is it customary in your industry now to work overtime, as may be required?

Mr. CHAVAUNES. Yes, but we avoid it as much as we can, for the reason that it means 50 per cent increase, and when you sum it up, it means 100 per cent, because it is at night, when the men are tired out and are not as efficient. On account of the lack of daylight they can not get the results working overtime.

Mr. EMERY. You understand, do you, that under the bill, under any contracts with the Government, you can not permit or demand overtime from your laborers, either for yourself or for your subcontractors?

Mr. CHAVAUNES. It would simply mean this, that ordinarily it is the rule to underestimate the time that a job will take, so that we would not be able to complete our work in time.

From those facts, gentlemen, I tell you, to an ordinary layman it does not appear to be very much of a proposition, but you have labor to contend with and try to conduct your business and see what the hardships are.

Mr. HASKINS. What do you mean by the 50 per cent cost for overtime?

Mr. CHAVAUNES. I mean this, that if we pay a man 50 cents an hour, every hour we employ him over the stipulated time——

Mr. HASKINS. That is, \$4.50 for nine hours.

Mr. CHAVAUNES. If we employ him an extra hour, we pay him 75 cents an hour, and added to that is the fact that he is tired out and not as efficient as he was during those other nine hours on account of the length of the day and the lack of daylight, which we all concede detracts from his productive capacity. As a consequence, we get less work but pay him his overtime.

Mr. NICHOLLS. Could you not arrange in your contract with that fact in view, that you would have only eight hours a day, and the time of the contract could be calculated on that basis?

Mr. CHAVAUNES. We are all prone, of course, to underestimate those things. My experience has been, not only my own personal experience, that they always underestimate the time. We try to cover mere contingencies in that respect, but there may be some unforeseen circumstances; we may be delayed for weeks and months in getting our material. I have seen the time in years gone by when we were prosperous when we would have to buy our material six months in advance. When we have those situations confronting us, there is no man on earth who can foresee those things.

Mr. NICHOLLS. How many hours do you work now?

Mr. CHAVAUNES. Nine hours.

Mr. NICHOLLS. And you do not work overtime except when you are compelled?

Mr. CHAVAUNES. We fight shy of it.

Mr. NICHOLLS. It does not pay?

Mr. CHAVAUNES. It is an absolute loss.

Mr. NICHOLLS. Because the men are not as efficient?

Mr. CHAVAUNES. Naturally. The fact remains that the wheels of progress of this country were clogged from that fact that we could not get labor for the business we had for some months. When you

go to work and reduce the number of hours, what is the consequence? You simply stultify the growth of the country and injure the interests at large.

Mr. HASKINS. Is it not true that a man can do more, or certainly quite as much, in eight hours, as he can in nine?

Mr. CHAVAUNES. That was a specious statement that they made to us, but those very same men who made that statement came around after we were working ten hours and advanced that theory. We acquiesced to nine hours. They came around afterwards and said "Let us work ten hours a day, and then half a day on Saturday." I said, "Is it not a fact that you are not as efficient in that ten hours?" They had to admit it. You need not ask me a question of that kind, because after you work a certain number of hours your brain is fagged out.

Mr. VREELAND. Do you know whether your men are willing to work more than eight hours?

Mr. CHAVAUNES. I have never discussed it with my men, but our relations are such that I could discuss it. The fact remains that we have a contented set of men, and I seriously doubt whether they know whether such a movement as this is pending. I doubt whether our men are aware of the fact that this movement is on foot. They are satisfied. We were working ten hours a day and we reduced it to nine hours; in addition to that their wages have been increased.

Mr. VREELAND. Have all the other plants that manufacture the goods that you do reduced to nine hours?

Mr. CHAVAUNES. Practically; we are all practically on the same basis.

Mr. VREELAND. So you do not have the question of competing with concerns that work nine hours?

Mr. CHAVAUNES. No; they may have it in some other parts of the country, but generally it is recognized as a work day.

Mr. EMERY. Do I understand that you manufacture steel and iron, or do you fabricate it?

Mr. CHAVAUNES. Fabricate it. When we speak of manufacturing, of course, that is the manufacture of the material from the ore by large interests, such as blast furnaces and rolling mills, who convert the material into the raw material, but they would designate it as semifinished product. That is the true term.

Mr. EMERY. Would you say, as a practical man, with knowledge of the business conditions that now surround the production of your material, that you could guarantee, not only an eight-hour day in the production of that which you immediately supply, but that you could guarantee under penalty the production, with the eight-hour day, without overtime, of the particular materials that enter into the things that you supply?

Mr. CHAVAUNES. I have not even gone into that phase of it, because there are eight large interests that roll the material; the Government business is but nominal. As a consequence, they would disregard the rolling of this kind, and we would have nobody to look to to buy material from, if it were determined that the rule applied.

Mr. VREELAND. Are there any gentlemen from Baltimore who can speak from knowledge as to the feelings of the men as to their willingness to be confined by law to eight hours?

Mr. SCATES. I think, sir, Doctor Carroll, who was the first speaker here, could probably cover the question on that point.

**STATEMENT OF MR. A. J. DIETRICH, OF BALTIMORE, MD.**

Mr. DIETRICH. Our men would prefer to work the nine hours than to work eight hours, with the privilege of working overtime.

Mr. NICHOLLS. Do you act with authority from them to state to this committee?

Mr. DIETRICH. No, sir; I have never discussed it with them only in the shops. We are doing some Government work. Of course, the men on Government work can only work eight hours. Those men in the shops came to us and said that they would prefer to work nine hours with an additional time and a half pay for overtime than to work the eight hours, but we have worked on Government work. They have asked us time and time again if they can work ten hours with that additional two hours pay. We have to say no, because of the law.

**STATEMENT OF MR. D. A. LEONARD, OF BALTIMORE, MD.**

Mr. LEONARD. In answer to the question about the preference of the laboring men, you will find if they can get the same pay for ten hours as they do for eight, they will take the eight-hour proposition; it is only a matter of calculation, but where there is a little extra compensation, and not even the same rate for nine as for eight, they would prefer working the other hour and getting the extra compensation, if it is merely car fare. They would rather do that than walk to and from work. We are working on a railroad here now. The same men are working from day to day, and they have to shift around. On the railroad they work nine hours, for the Government they work eight hours. Those same men have asked us within this week if they could not work the same time on the Government work and get the same pay.

Mr. EMERY. Do you not find, in your experience as an employer, that in the competition between Government work at eight hours and private employment at eight hours with overtime, that the men prefer to work for the private employer rather than on Government work?

Mr. DIETRICH. Yes, sir; every time.

**STATEMENT OF MR. LAYTON F. SMITH, OF THE TRUSSED CONCRETE STEEL COMPANY, OF BALTIMORE, MD.**

Mr. SCATES. Mr. Chairman, I beg to introduce, now, for the next speaker from our organization an engineer of the Trussed Steel Concrete Company, whom I understand and know are large contractors upon Government work. Mr. Smith represents the company in this territory.

Mr. SMITH. As a representative of the Trussed Concrete Steel Company, I do not come in contact with the operation of the shop at all. But our materials which we supply, sometimes direct to the Government, other times to the different contractors, and again to a subcontractor, are all patented goods; we alone make them, nobody else can.

At the same time, all the goods which we supply to the Government have to pass through our mill or our shop, together with the material which we use for just ordinary construction. Such being the case, it would be absolutely impossible for us to supply the Government with these materials. They are often specified by Army engineers or by architects who have designed buildings for the Government. In some cases the engineers and architects will take nothing else but what we supply. As I understand the bill, we would have to handle that through our shops on an eight-hour basis only, and while we are now working eight hours on account of the business depression, still, under ordinary circumstances, we work nine, sometimes ten, and other times we have to work even late at night to fill our orders. Such being the case, if this bill was passed, we could not supply the Government with our materials. That outlines just what affects us in our shops, but at the same time we have to get our materials from the rolling mills. They roll the material for us with special rolls, and any one who has ever tried to get a special roll from any rolling mill knows the difficulties, and those difficulties are owing to the fact that the rolling mill can not put in a roll unless they have a certain tonnage.

Mr. VREELAND. What percentage of your business is for the Government?

Mr. SMITH. This last year we had a little over one million dollars' worth of business. During the past year our materials have gone into about fifty different Government structures.

Mr. VREELAND. In your plants could you build for the Government on the eight-hour system, and attend to your commercial business on a nine-hour system?

Mr. SMITH. Impossible. Take the unloading of it. The material comes there in a car, probably six or eight different sized rods, some for the Government and some for private individuals. They could not handle it; we could not pass it through the mill to the shop, and we could not sell to the Government at all. So these architects and engineers, who think we supply something that is absolutely essential for the Government, would have to do without. We do not want to lose the Government as a customer; at the same time, we would have to under the rulings of this law.

Mr. PAYSON. The relations between you and your employees, as to the hours of service and wages paid, are amicable?

Mr. SMITH. I can not say as to that, I presume so, I am not at the mill at all.

Mr. PAYSON. So far as you know, they are?

Mr. SMITH. Yes, sir; so far as I know.

Mr. PAYSON. If they were not, you would know it?

Mr. SMITH. I would know it. We have never had a strike. Of course a great deal of the labor we employ is unskilled labor. Of course we have a few skilled men to operate the machines, but we can get a good deal of the unskilled labor to supply the demand, for the reason that our plant is in Youngstown, where we can get plenty of labor.

Mr. SMITH, of Missouri. They are working nine hours a day in your plant, and I also understand that you sometimes employ men overtime. What objection would there be to working two shifts of eight hours each?



Mr. SMITH. The objection would be that it would be very seldom that we would have enough business to justify it. We have not yet; we have had to work overtime, but we have never had enough to justify working two shifts.

Mr. SMITH, of Missouri. Then it is only a question of business that would prevent you from working two shifts of eight hours each?

Mr. SMITH. I do not know that, but if we started in an eight-hour basis in Youngstown, we could not get men to work for us, because all the other places work nine hours, and we could not get men to work for us.

Mr. SMITH, of Missouri. Would you have any objection to a universal eight-hour day? Suppose it was established by the State as well as by the nation, how would it operate then?

Mr. SMITH. I do not know that I am competent to answer a question like that.

Mr. SMITH, of Missouri. I simply wanted to know what you thought about it.

**STATEMENT OF MR. H. D. BUSH, OF THE BALTIMORE BRIDGE COMPANY, BALTIMORE, MD.**

Mr. SKATES. I beg to present Mr. H. D. Bush, engineer and member of the Baltimore Bridge Company, who I think can enlighten the gentleman from New York regarding the feeling between the employees and employers.

Mr. BUSH. Mr. Chairman, I did not come over here to make a speech, but I told Mr. Skates I would answer any questions anybody asked me, and I think I can answer that about whether men prefer to work nine hours. I know that all the men in our shop unhesitatingly prefer to work nine hours. Nearly all the men nowadays live at a distance from the work, and go there on the trolley cars, and they almost invariably take their lunch. They want to take a half an hour at noon. They can begin work at half past 7 and take a half an hour and quit work at 5. As to outside work, men on erection work, all of our erection men who are not employed on Government work, also work nine hours and prefer to work nine hours, and the reason I happen to know that is that we have quite a large force of structural iron workers and carpenters and sheet-metal workers, and nearly all of them have, at one time or other, belonged to a union, but nearly all of them have shown me their cards, on which they have not paid anything for two or three years, and they have left the union because they prefer to work nine hours and get steady work and steady pay than to work eight hours at a higher rate per hour and have all the loss of time for strikes and things they are subjected to when they are employed under the union rules.

There is another feature of this law about purchasing the material from a subcontractor. Of course, if we get a contract for a bridge or a building, we have to make a contract with some steel mill for our material, and I do not know of any steel mill in the world that would furnish material that has been manufactured by a man working only eight hours. At the present time we have bids in for quite a large tonnage of work in the Canal Zone. The Government, the Treasury Department, in order to get more competition down there, has declared the Canal Zone foreign territory for a rebate of

duty. We can either buy that material here or we can buy it in Europe, bring it in here, pay the duty on it, manufacture it, and when we ship to the Canal Zone get a rebate of duty, and there is no mill in this country where we could buy that material, and I doubt if there ever would be unless the eight-hour day becomes universal throughout the world.

Mr. EMERY. Do you employ two shifts of men in your work?

Mr. BUSH. We never have worked two shifts; no, sir.

Mr. EMERY. What are your hours per day?

Mr. BUSH. Nine hours, beginning at half-past 7 in the morning, half an hour at noon, and quit at 5.

Mr. EMERY. To make clear a question asked by a gentleman a moment ago, in the manufacture of goods that come under the operation of this law, if you were restricted to a strict eight-hour day without overtime, would it be practicable to employ a man for eight hours, and employ somebody else for one hour, if it was necessary, and keep up that schedule in your work?

Mr. BUSH. It would be impossible.

Mr. SCATES. Mr. Chairman, it has been said that the average business man is neglectful of legislation which might attack or affect him. This organization here to-day has come here with the express purpose in the limited number I have begged leave to present, of impressing upon this committee the fact that they are not neglectful of legislation which might affect their interests, and I beg, on behalf of the two organizations for which I have been the spokesman, to thank you gentlemen very much for your kind attention. We have closed.

(Thereupon, at 3.45 o'clock, p. m., the committee adjourned until Monday, March 2, 1908, at 2 o'clock, p. m.)

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SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Monday, March 2, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. HARRY W. HAND, VICE-PRESIDENT OF  
THE CRAMP SHIPBUILDING COMPANY.**

Mr. HAYDEN. You are vice-president of the Cramp Shipbuilding Company?

Mr. HAND. Yes, sir.

Mr. HAYDEN. How long have you been connected with the Cramp Company?

Mr. HAND. I have been connected with the Cramps and their kindred companies for about thirty years.

Mr. HAYDEN. What positions have you occupied and with what branches of the company's work are you familiar?

Mr. HAND. I went there as an apprentice in the machine shops of the I. P. Morris Company, now one of their subsidiary companies, in 1879, and from there I went into their drawing office as a draftsman. I afterwards became chief draftsman in the office, and then superintendent of the I. P. Morris Company, and about four years ago I

was made general manager of the William Cramp Sons Company, under which all the subsidiary companies exist.

Mr. HAYDEN. And at the present time you are the vice-president?

Mr. HAND. At present I am general manager and vice-president.

Mr. HAYDEN. Then in your experience you know about the practical workings of the company as a whole, and all its subsidiary companies, and also you know the mechanical conditions and difficulties that confront the company to-day?

Mr. HAND. I think I am well prepared to state that I do. The bill that is in consideration by this committee, Mr. Chairman, has one or two features that bring it very prominently to the thoughts of those who control companies like ours. The principal one is the increase in the cost of all Government work done under the provisions of that bill. Another thought is the decrease in our producing capacity if a bill of that kind should become a law. You might naturally ask, Why does it concern us how much work costs for the Government, when they are willing to pay for it? That is quite true, except that it has a great influence in affecting the amount of work which is called for by the Government, particularly under the annual naval appropriation bills. The more a ship costs the fewer ships the Government is likely to build, and that directly affects our particular business. Of late years also it has been the custom of the Government to call for the completion of these ships in shorter periods of time.

Mr. VREELAND. I am glad to hear that.

Mr. HAND. It goes without saying that if our workday is cut down the time for the completion of the ship must be correspondingly lengthened. Those are the points that appear forcibly to our minds, aside from the objections which we have to the passage of such a bill. I think I am safe in saying, Mr. Chairman, that of all the industries which this strikes at none of them are so seriously affected as the shipbuilding industry. The shipbuilding industry has been likened by many of our competitors as being nothing more nor less than a clearing house for those who have things to sell, and I do not think that I can call to mind any industries which call into play so many different trades as the shipbuilding industry, and one of the gentlemen who has given testimony before this committee, at some length, enumerated all of the trades which went to make up the completed ship. I might here say, also, that we try to do, and we generally do, a business amounting to about \$6,000,000 a year. Of that \$6,000,000 \$4,000,000 of it is Government work. Now, of that amount of work, \$2,500,000 represents material that we simply go out in the market and buy. We have no more control of the manufacture of that material than any member of this committee has, and yet this bill makes it obligatory on us to see that all this vast amount of material that goes to make up a ship is manufactured in compliance with the law. It calls for us to be penalized if we do not do that, penalized in an amount that exceeds the value of a workman's output in the course of a day. It would be bad enough if it was only to apply to the men over whom we have actual control, but it is infinitely bad in the way the bill is expressed, in that we must exercise control over the workmen of all the many subcontractors whose work goes to make up the work on the completed ship. We have difficulty at times to get subcontractors—material men, as we call them—to bid on

Government work as it is now; there are so many restrictions of all kinds imposed on them. In our purchasing department, as we send out our requisitions for material, we have a list of rules and regulations on the back which we try to make the seller agree to. Very often he comes back and says he can not furnish goods to us if we put such restrictions on him. I have in mind the case of a certain brass manufacturer in the East.

We sent him a quite large-sized order in the last two weeks. On the back of the order were printed our restrictions and the rules and regulations under which we were supposed to buy the goods. He simply returned them and said that he would furnish what we wanted for so much money, f. o. b. cars, at his works, without any regard to the rules and regulations of our purchasing department. I know if we were to put in there the restrictions which this bill calls for, we could not get him to furnish any of the material we called for. Now, the reason for that is that he can afford to set aside Government work altogether. I do not suppose his work on Government material amounts to 1 or 2 per cent a year. He can afford to be independent. But with us, where it amounts to such a vast sum, it is not right, I say, I think, to impose this obligation on us.

As to this Government work which you might think we are eager to do, we are eager to do it simply because it is the only work that offers from time to time. I might compare it to some of those large Government buildings that are constructed. You might say that we have just the same conditions that they have to work under. It is a little more than that, because they build their buildings, so to speak, on a rock. We try to build a ship on a rock, but, after we do, we have to take this mass of metal and slide it overboard. That is a risk that nobody engaging in a business, involving the amounts that we have, wants to take. We have in the business of our company not only the risks that the builders of buildings have to contend with, but we have also the element of the tides in which nobody can tell what will happen. I hope to have follow me to-day, one of our assistant superintendents, who is particularly adapted to speak on the question of tide work which the shipbuilder has to contend with to a very large extent. The man who puts up a Government building generally has no penalty to look forward to, except the penalty for delay. Now, the shipbuilder has the penalty for delay, he has a penalty for non-compliance with the speed, he has penalty for overweight of his machinery, for overweight of his ship, and in fact it has been said time and time again that a contract for a battle ship is nothing but obligating yourself to pay the Government a lot of money. In addition to all those penalties which we have to contend with, if we are going to have to put up with the penalties which are provided for by this law, I am afraid that many of the shipbuilders will have to go out of business.

A distinguished naval architect, in considering a former bill—a Government naval architect, I might say a naval constructor—among his objections to a bill which was almost identical with the one which is under consideration now, pointed out the difficulty of the proper interpretation of the terms of the law. That was one of his objections. Another is that it would involve great delay and would simply invite trouble between the employer and employee. Both objections are forcibly set forth in the proceedings and the testimony

which was taken before previous committees on similar bills. I think they can be well worth embodying in the objections which the shipbuilder has to-day toward the passage of this bill at the present time. The difficulties which a shipbuilder, as a rule, has to contend with, the unprofitable part of his business, the small opportunity he has to realize on the investment, are very well set forth in Mr. Chamberlain's report on the operations of his department in the report of the current year. In that report I desire to call your attention first to that fact that he calls attention to the small amount of profit on the capital invested.

Mr. BARTHOLDT. Who is Mr. Chamberlain?

Mr. HAND. The Commissioner of Navigation.

Mr. VREELAND. I thought you were referring to some one in your plant, the head of a department.

Mr. HAND. No, sir. Mr. Chamberlain is the Commissioner of Navigation. This report is entitled "Annual Report of the Commissioner of Navigation to the Secretary of Commerce and Labor."

Mr. VREELAND. Does he go into the question of shipbuilding and the profits in that business?

Mr. HAND. He does, to the extent of giving the amount of money that was spent in the building of ships for the year 1900 in comparison with the year 1906. He gives the amount of money that is spent in salaries, wages, miscellaneous expenses, and material, together with the total volume of the products produced in those respective years.

I desire to point out to you, as I said before, the small amount of profit which is turned back into the pockets of the shipbuilders for the amount of money which they have expended in the equipment of the plants. The capital invested in the year to which I particularly refer, 1905, is over \$101,000,000. The profit is \$3,700,000, or a little more than 3½ per cent.

Again in this report I would like to call your attention to the comparison of money expended for wages and the comparison of the money expended for material in the construction of a ship. The amount spent for wages was, in round numbers, \$21,000,000, and in round numbers the amount expended for material was \$28,000,000. There, again, you see the vast amount of money expended by the shipbuilder over which he has absolutely no control. This is in far greater degree exemplified in the case of building Government vessels than it is in the case of merchant vessels, because the work throughout is more expensive, the vessels are equipped very much more elaborately, and the work involves very much more money; and again I want to call your attention to the fact that this money has been distributed among the different subcontractors, over which the shipbuilder has absolutely no control. I am reiterating that simply because I want to drive it home, if I can, to the members of this committee, that no matter how badly other industries are hit by the passage of such a bill as this, the shipbuilding industry is the very worst affected by it. You might ask us why, under all these conditions, we are willing to go on year after year taking Government work. Why do we want to assume all these responsibilities of spending our money on contracts that other people have to execute for us? Why do we want to assume all of these penalties? It is simply because no other work is offered.

We have so much money invested in our plants, our tools, and our real estate, we have to spend so much money every year for sal-

aries, that we have got to get money somewhere, we have got to take this work; and I think that this is clearly demonstrated by the actions of the shipbuilders of this country in the past three or four years when the lettings of the annual appropriation bill have taken place. At these times there has always been one of the larger shipbuilders on the Atlantic coast who has been in a worse position as regards the condition of work in his plant than any of the rest, and whenever that happens, you can always see them putting in a price which to the other shipbuilders seems absolutely ridiculous. We do not know at times where they are going to get a new dollar back for the one that they spend. We ourselves have been in that position many times. We were in that position when we took the contract for the *Mississippi* and the *Idaho*, which ships we are delivering to the Government this year. The shipbuilders said that we would not get a new dollar back for an old one that we spent, and I think they were pretty nearly right. But in the meanwhile it has kept our tools going, and it has more or less contributed to paying the salaries of our president, my salary, and the salaries of superintendents, and it has kept our place going. It has prevented the place from being broken up, men leaving, and we have kept on, always in the hope that something is going to turn up to better us; but up to date nothing has appeared to make the shipbuilding industry one which invites anybody to put any money into it. So we go ahead and take a contract for trouble.

I will outline in a brief way what we do, Mr. Chairman, when we get a contract for a ship. When a contract is awarded to us from the Navy Department the first thing we do is to turn around and make a contract right off, the best we can, with the firms to whom we have to go for material, we will say with some of the big mills in Pittsburgh. We do that; we place the contracts for all the shapes and all the plates. Now, my interpretation of this law is that our draftsmen working under us come within the meaning of the word "mechanics." We get our draftsmen at work and get out the preliminary plans which have been supplied by the Navy Department, and we take them up in our rooms, both hull and engineering, and we use every endeavor to complete our plans so that we can get in shape a mill schedule, a schedule for mill material, so as to get our material to start work. There have been times when we have worked our draftsmen late at night, but by getting our list of materials out, and the bills of material in order, and getting them to the mill, that they might get there in time for a rolling; by working the draftsmen overtime for a few hours we might get in a position that would save us weeks and weeks of time later on in getting the material into our yard. Under this bill, I take it, we would be prevented from doing any work of that kind. Therein would be a hardship right off. It would be a hardship to us to lose the opportunity not only to get this schedule into the mill, but it would be a hardship to us, to our way of thinking, not to give this opportunity to these men who are willing and anxious to work overtime to help us out. It strikes me if that right is taken away from us, as it would be here, the control of our business is more or less taken from us.

Mr. VREELAND. This does not bear directly on the subject, perhaps, but I was on the Naval Committee for years. Why does it take so

much longer to build a boat at Newport News or at Cramp's than it does to build it abroad? It seems to take us about three or three and a half years to get out a battle ship and to get it into commission. They build *Dreadnoughts* in eighteen or twenty months. What is the reason for that difference? There is no restriction on the amount of work you may do now.

Mr. HAND. One explanation of that is this, that the English admiralty, before they make a contract for a ship, have settled almost all points in regard to it. This ship, the *Dreadnought*, for instance, was built in one of their dockyards there. Before the keel was laid they had all the material for the ship proper in the yard ready to be fabricated the moment the word went out to start work on her. All the plans were completed. Now, that could be done in the case of ships for the United States Government if all the drawings were completely developed and put in the hands of the shipbuilders at the time of the signing of the contract, which is not the case to-day.

Mr. VREELAND. After we make an appropriation to build a ship, your understanding is that the Government then commences the plans?

Mr. HAND. No; hardly that. When we get a contract for a ship the Government gives us, you might say, general plans and specifications, but not plans in detail.

Mr. VREELAND. That is, of course, after the naval appropriation bill passes.

Mr. HAND. That is, when they give us the contract, but they do not make detailed working drawings. They demand that the contractor shall do that and submit the detailed drawings to them for approval before the material is ordered.

Mr. VREELAND. When they put them in competition, when they ask for bids on the contract, they ask them on general plans?

Mr. HAND. Upon the general plans with specifications, but the plans themselves are not very much in detail.

Mr. VREELAND. And the bidders furnish the plans in detail?

Mr. HAND. Yes.

Mr. HAYDEN. That is, of course, after the bill has become a law?

Mr. HAND. They do not call for proposals until the bill has passed.

Mr. VREELAND. Yes; certainly. I was wondering if there were any steps taken by the Navy Department to prepare these plans before the bill was passed.

Mr. HAND. General plans; not plans in detail. You can not get out your schedule of materials without detailed plans.

Mr. VREELAND. Have there not been cases where it is eight or nine months or even a year after the naval budget went through before the plans would be ready and proposals invited?

Mr. HAND. Yes, sir; that has often happened, but there should be no reflection on the construction department as to that. There are questions that have to go up before the general advisory board.

Mr. VREELAND. They have not got their minds made up?

Mr. HAND. Yes, sir.

Mr. VREELAND. I notice that it is a great detriment to our building up a navy the seemingly long delay in getting the boats out after the money is appropriated.

Mr. HAND. That is the cause of it.

The CHAIRMAN. I do not get that clear.

Mr. VREELAND. In this naval bill that is coming before the House we will authorize two battle ships of twenty odd thousand tons. That bill will pass the Senate and become a law on, say, the 1st day of May. Very often in the past it has been thirty-six months, thirty-eight, or forty months before the boat was ready to go into commission.

The CHAIRMAN. I understand.

Mr. VREELAND. Long enough for naval architecture to be revolutionized.

Mr. HAND. These long discussions before the General Advisory Board of the Navy as to how big a ship may be, and so forth, take up a great deal of time.

The CHAIRMAN. Do they in Great Britain determine all that in advance, so that the plans for the next battle ship, whenever it is authorized, are ready?

Mr. HAND. Yes, sir.

Mr. RAINEY. How long does it take you to complete the drawings of a battle ship after you get the general plans?

Mr. HAND. It is a sort of a continuous performance, the making of detailed plans. I might give you an instance. We are getting ready to deliver the *Idaho* some time this month, and yet we are still making plans for that same boat.

Mr. HAYDEN. By direction of the Department?

Mr. HAND. Yes, sir. These things are all small details, but nevertheless we are still making plans. I might instance again: We have a contract for the battle ship *South Carolina*, which we got a year ago last July. Now, the only parts of the plans of that ship that are completed, you might say, are the general hull plans. All the interior plans have got to be worked out.

Mr. RAINEY. Are you required to wait for those detailed plans?

Mr. HAND. No; we are supposed to make them and send them to the Navy Department for approval; but to make all these plans, before we start work, when you take into consideration that in a ship like the *South Carolina* there are something like 3,000 to 4,000 distinct drawings, we would have to have a corps of draftsmen there that we could not house; we would not have the room.

Mr. RAINEY. Then the fact that you do not get them on time is to some extent your own fault?

Mr. HAND. To some extent. As I say, it is not the fault of the construction department of the Navy, in any way.

Mr. RAINEY. In England they have such a complete organization that the details are completed, and they do not have to wait on those?

Mr. HAND. Yes, sir. As I say, the *Dreadnought*, when the word went out they had complete plans, ready to start on it at once, and not only that, but they had the material in the yard.

Mr. RAINEY. Do you prepare those plans before you bid or afterwards?

Mr. HAND. No, sir; afterwards. The Government furnishes us with general plans descriptive of the ship, and on them we make up our figures.

The CHAIRMAN. How can a foreign shipyard that is going to compete in bidding afford to do that any better than we can here?

Mr. HAND. I did not quite catch that.

The CHAIRMAN. The foreign shipyards compete, do they not, in the bidding for the construction of these vessels?



Mr. HAND. Not for vessels of the United States.

Mr. HAYDEN. No; they compete on the building of vessels in England.

Mr. HAND. Yes; the private yards in England.

The CHAIRMAN. How can they afford to do it there?

Mr. HAND. They can not do it for foreign governments anymore than we can.

Mr. HAYDEN. But you mean that the admiralty puts out more complete plans at the time of asking for bids?

Mr. HAND. Yes, sir; at the time of asking for bids. They do it in their own dockyards, and when they put out bids for private concerns there they are quite as long as we are here.

Mr. VREELAND. Do you think that is true, Mr. Hand?

Mr. HAND. Yes, sir; I think not to the extent that it is true here, for the reason that they could get the material more promptly. A big battle ship at Vickers's, one of the most modern yards in England, would take to build two and a half to three years.

Mr. RAINEY. The statement is going the rounds of the press now that in one of the English yards, I do not remember which one, they have practically completed a ship 500 or 600 feet long in two or three months. Do you believe that?

Mr. HAND. No, sir; I do not believe that. That is a physical impossibility.

Mr. RAINEY. Do I understand these shipbuilding companies agree to build battle ships for so much, and afterwards furnish the plans themselves, or build them afterwards according to their own plans?

Mr. HAND. That is the way we do here.

Mr. RAINEY. Does that prevail as to all these shipyards that build ships for the Government?

Mr. HAND. Yes, sir; all that build for the Government.

Mr. RAINEY. That is, they bid and then they decide what they will build afterwards?

Mr. HAND. Perhaps I can make it clearer. A general plan is furnished to the bidder to guide him in making up his bid, and those general plans are supplemented, as I say, by very complete specifications.

Mr. RAINEY. Who furnishes the specifications?

Mr. HAND. The Government. Now, the bidder can look over these plans; they have the plans for the ship, for the placement of the armor, the disposition of the armor, and the placement of the turrets, but they do not go into the vast amount of detailed plans which it is necessary to get out in the actual construction of the ship. They give you sufficient information to enable you to make up an intelligent estimate of what the cost of the battle ship will be.

Mr. RAINEY. The detailed plans are the blueprints?

Mr. HAND. They are the detailed drawings that go out to the workmen for them to fabricate the ship itself from.

The CHAIRMAN. Do you not have to make up these drawings practically before you can bid on the cost?

Mr. HAND. No, sir; we have to take a good many chances in the building of ships, as I say, and one of them is that very often in what we would term the development of a ship we have to do things that are not called for by the specifications, and when we think we would be legitimately entitled to an extra, such as furnishing some-

thing that did not come within the meaning of the Government specifications, the Government insists that it was simply a development of their original plans. That is one of the chances we have to take, and nine times out of ten it is decided that it is simply a question of development, and we can not get an extra. The Government will sometimes concede that it is asking us to do something different, and they will appoint a board of engineers to appraise the value of the increase.

Mr. HAYDEN. All your detailed plans are submitted to the Navy Department, or some bureau of the Department?

Mr. HAND. I am glad you mentioned that, because when we make up the detailed plans we have to transmit them to the superintending constructor of the Navy stationed at our works.

Mr. HAYDEN. He is the Government's representative there?

Mr. HAND. Yes, sir; he is the representative of the Government there. He acts as promptly on it as the force at his disposal allows him to. He has a good many plans, as you can imagine. Then from there it goes to the Bureau of Construction and Repair for them to pass upon it. Now, from the time we finish the drawings and transmit them to the superintending constructor at our works, and it gets in his hands and then goes to the Bureau at Washington and gets back to us, I have known it to be very often three months. I have known it to be three months from that time that it leaves us until it gets back.

Mr. RAINEY. Then you could build a ship just as quickly as they do in England if it was not for this bad arrangement in the matter of plans, for which both you and the Government are responsible?

Mr. HAND. I would not like to put it in those terms.

Mr. RAINEY. For which only the Government is responsible?

Mr. HAND. Hardly that, because the Government, in not doing that, do not want to fasten themselves down to making drawings to-day for something that is going to be executed two years from now, and in those two years intervening vast improvements might be made in construction.

Mr. RAINEY. Then the delay is occasioned because the Government wants to wait to see whether something better will not be invented before they get through with it?

Mr. HAND. That is it.

Mr. RAINEY. Is that true?

Mr. HAND. That is true.

Mr. RAINEY. And it is due to the Government's desire to always avail itself of the latest improvements?

Mr. HAND. That is it, exactly.

The CHAIRMAN. And the British Admiralty determine as to what kind of a ship they are going to build, in detail, and then go ahead and build it?

Mr. HAND. Yes, sir.

The CHAIRMAN. And without regard to what is happening?

Mr. HAND. That is what happened in the case of the *Dreadnought*.

The CHAIRMAN. Yes, but here we wait and catch on to the latest devices?

Mr. HAND. Yes.

Mr. VREELAND. The opinion has prevailed for several years that we need a little more aggressive methods in our board that determines

as to shipbuilding; that our people, like Americans in other branches of industry, are not willing to carve out a road for themselves—that is, they are timid; they are waiting for suggestions from abroad; instead of developing men there that can take the lead, they are so timid, for fear they will make mistakes, that they have delayed the building of our ships, and delayed the taking up of more progressive methods. I know the last and largest ship which we voted on in the Naval Committee was a little in advance in size of what the Board of Construction thought we ought to take. They were not quite sure that we had yet reached the stage where we could build that ship, but we said they were building such ships abroad, and that we had better try and see if we could not.

The CHAIRMAN. Now, what you say applies entirely to naval affairs, and not to the civilian affairs, as I understand, or is it mixed? Does that apply to the Department or to shipyards, or to both?

Mr. VREELAND. What I am saying applies to the character of our board that designs battle ships.

The CHAIRMAN. The thought I want to bring out is that when you speak of being different from the usual American energy and enterprise, that is a fact in our boards, and not—

Mr. VREELAND. That is a fact that applies to our naval boards and designers. The opinion has prevailed somewhat that the shipbuilders, not having work in plenty, got the longest possible time in the building of battle ships, and then used them as steady work, in order that they might pick up and get hold of all of the rest of the work as it came long, perhaps being obliged to keep up a yard, and that possibly accounts somewhat for the delay. In other words, taking it altogether, the building of our battle ships has been unsatisfactory as to time.

Mr. HAND. In the past it has been unsatisfactory, more particularly on account of delay in getting the armor; but those troubles we have had in that respect have entirely disappeared.

Mr. VREELAND. We asked the Bethlehem people the other day about the delay in getting armor, and they denied that anything of the kind prevailed.

Mr. HAND. Yes; to-day, as I say, we have in our yards ready to put in place the armor for the *South Carolina*, which ship is not yet launched. But the demand of business conditions in the different trades has influenced that a good bit.

Mr. VREELAND. How much less could the Vickers yard build a ship like the *South Carolina* for than you could in your yard, with your contract price?

Mr. HAND. It would be very hard for me to answer that, because while I am acquainted with their yards over there—I have been there—at the same time I have never had access to any information which would enable me to make any comparison.

Mr. VREELAND. What is the contract price on the *South Carolina*?

Mr. HAND. \$3,540,000.

Mr. VREELAND. That is for everything except the armament?

Mr. HAND. Everything except the armament, yes, sir, and the few pieces of furniture that the Government furnishes. The Government has been furnishing furniture that goes in the officers' rooms, here of late. They build that at the yards. Then they furnish the boats, but that amounts to very little in comparison with the entire contract.

Mr. RAINEY. Is not this true, that over in England now in building a ship they simply enlarge the blueprints, mark the various pieces out on the floor the size they ought to be, from the enlarged blueprints, nail strips of basswood over them, and cut out the basswood and construct molds, and from those molds construct the parts, and that our Navy has not advanced far enough to do that?

Mr. HAND. No; we have all such methods in use. I fancy that you mean laying the ship down in the mold loft full size, and from that making molds out of basswood.

Mr. RAINEY. I understood they did that in England, and that that makes very much more rapid progress in building ships over there.

Mr. HAND. We always have done that. We tack them down on an immense big iron floor, several times the size of this room, and from that we mark out all these frames and make these molds.

Mr. RAINEY. Then we have just as good facilities in our yards for building ships as they have in England and Japan?

Mr. HAND. I do not see any difference in the plants.

Mr. RAINEY. The only reason why we do not do it as quickly is, in the first place, because we have to wait for material, and in the second place, there are delays about furnishing detail drawings.

Mr. HAND. Yes, sir.

Mr. RAINEY. What material do you have to wait for?

Mr. HAND. Principally plates and shapes.

Mr. RAINEY. And you get them from the mills around Pittsburg?

Mr. HAND. Yes, and forgings. That is a matter of very serious delay sometimes—big engine forgings, and steel castings as well.

Mr. HAYDEN. All naval construction contracts contain a clause which permits the Government to order such changes of plans and specifications, and even in the contract itself, as the Secretary may deem best, the compensation of the contractor to be adjusted afterwards by a board on changes. What effect; if any, have the changes which are customarily ordered as a ship progresses upon the building?

Mr. HAND. I have a case just in point now that might be of some help to you and to the committee. We got a contract last October for two torpedo boat destroyers for the Government. They are boats about three hundred and some odd feet long, and they are very high power, being 29 knots speed. These boats have about 10,000 horsepower in them, and they burn coal for fuel for the generation of steam. Since the contract was awarded us for these boats, there has been a similar class of boats in the English navy, but faster, being 33-knot boats, which have made some very exceptional and successful trial trips, and these particular boats instead of burning coal for the generation of steam under the boiler, burn oil for fuel. They are boats which are well known as the *Tartar* class in the English navy. There were some four or five of them, and they were spread over different shipyards in England, and they all had more or less pride in turning out the fastest boat of that class. These boats were all very successful, and I presume that after the powers that be in the Navy Department saw the great success which attended these boats, and the complete absence of trouble of any kind on the trials, they attributed it to the fact that they burned oil for fuel, and then they immediately took that up with us, and it is under consideration now to make them a proposition as to what our price would be.

Mr. HAYDEN. To change?

Mr. HAND. So that instead of burning coal for fuel under the boiler we will install apparatus for burning oil as fuel.

Mr. VREELAND. So that progress on those boats is in abeyance?

Mr. HAND. No; they do not give us the word in the meantime to stop work; they do not do that, but we go ahead on our own responsibility, and we go ahead because we would get no extension of time if we did stop unless so ordered. We are morally certain that the Government is going to make this change, but we do not know it.

Mr. VREELAND. But they have given you liberty to adopt an oil-burning furnace?

Mr. HAND. No; the change has not yet been ordered. There is only one case where the shipbuilder has a right to decline to make changes, and that is in case the value of the change amounts to more than 5 per cent of the value of the contract. If it amounts to more than 5 per cent, the ship contractor does not have to agree to make the change; he can set the Navy Department aside and go ahead with the contract as originally written.

The CHAIRMAN. Is it at the Government's expense, or yours?

Mr. HAND. At the Government's expense.

Mr. RAINEY. Five per cent of the gross total?

Mr. HAND. Five per cent of the contract price.

Mr. RAINEY. Then you are compelled to allow that margin in bidding on a battle ship?

Mr. HAND. No; hardly that. What I want to convey is this: If you had a contract with the Navy Department for a ship that cost \$1,000,000 and the Navy Department wanted to make a change in some part of that ship, which we will say totaled \$40,000, notwithstanding there might be a great detriment to us to make that change we would be obliged to do it if the Secretary so ordered it; but if that change which the Navy Department wanted to make amounted to \$55,000, then we could say to the Secretary that we preferred going ahead; that it was too much of a change, and we would suffer too much pecuniary loss; that we would prefer going ahead on the contract as originally written. This is based simply on the amount, 5 per cent of the contract price.

Mr. RAINEY. Then, on a ship of that kind they would have to add to the expense of building it, and they would have a right to add an expense of \$40,000?

Mr. HAND. Yes, sir.

Mr. RAINEY. I am not finding fault with your company, but only with the Bureaus here which make this system possible. In making your bid, if you were bidding on a ship that cost \$1,000,000—

Mr. HAND. That is simply for example?

Mr. RAINEY. Yes; that is simply for example. It would not be impossible that the Bureau would compel you to make \$40,000 worth of changes, and you could bid \$40,000 less, could you not?

Mr. HAND. Oh, no; we get paid extra for that.

Mr. RAINEY. Oh, that is it?

Mr. HAND. Yes, sir.

Mr. HOLDER. Do you recall, at a previous hearing some years ago, that Mr. Charles Cramp testified that he had built battle ships or cruisers for the Russian fleet, that the French yards could not compete, and also that he made money on it? Can you explain how that speed was possible at the Cramp yard at that time for a foreign Government over what it would be for ours?

Mr. HAND. No; I am not familiar with the case.

Mr. VREELAND. Were those cruisers built in the Cramp yard for Russia faster than those we were turning out at that time?

Mr. HAND. They were of the same type as the *Alabama*. They were turned out almost at the same time. I think they had their trials at almost the same time. It was only a very short time after the trial of the *Retvizan* that we went to work to try the *Alabama*. But the reason why the other ship was completed so very much earlier was simply because in the case of the Russian ship we furnished all the armor.

Mr. HOLDER. How many ships did you build for Russia?

Mr. HAND. We built the *Retvizan* and the *Variag*, the *Retvizan* being a battle ship; but the armor was under our contract, and we could turn around and make a contract direct with the armor companies, and they could deliver it to our works.

Mr. RAINEY. You did not have to submit your specifications back to the Russian Government, like you do here?

Mr. HAND. No, sir; there was a full staff of Russian officers stationed at our works all that time.

Mr. RAINEY. Oh, yes.

Mr. VREELAND. You say you are not delayed in getting armor at present?

Mr. HAND. No, sir. Well, the point I wanted to bring out in response to your query, Mr. Hayden, was in regard to these torpedo-boat destroyers. If the Government makes this change at once, that will probably set aside two months' work that we have already done on these boats, and then we will have to go out and order new materials and wait for them to come in, entailing a loss of, I should say, not less than three months in the completion of that contract.

Now, to continue my few remarks, and I will be very brief, I wanted to make an illustration to the committee of what there is likelihood of happening in case this bill should become a law at the present time. Having built some boats which were successful in every respect for the Russian Government, in the last two months we have been invited to submit proposals for battle ships, modern battle ships, for the Russian Government again. In fact, the design and proposals for such a ship were mailed to the Russian admiralty on Saturday last, together with our prices. Now, those prices which have been sent in to the Russian Government are based on a ten-hour working day—ten and a quarter hours really we work in our place—fifty-six and a quarter hours a week.

This ship is one which would compare favorably, and I think will be very close, to what the naval committee are now considering in their appropriations for the United States Navy.

Mr. VREELAND. In the present naval bill?

Mr. HAND. In the present naval bill, both as regards displacement, armor, and the amount of horsepower to be placed in the ship. We will, of course, tender bids for these boats under the present naval bill. I was thinking of the practical difficulty we would have to encounter in case we got this contract from the Russian Government, and in case we got a battle ship to build for the Navy Department, and, further, in case this bill should become a law. We would then have two ships, almost identical, being built side by side, one of which we could not afford to work anything but ten hours on, because our pro-

posal is given for such a boat based on working ten hours a day. By the provisions of this bill we would be allowed to work only eight hours on the other ship. In that case it would be pretty hard for me to say what would happen. We could not have two bodies of men, one working eight hours and one ten hours, without the greatest confusion, without everything, it seems to me, being at sixes and sevens in the management of the yard, and I think that is a question in our particular case which it would be well for the committee to ponder over and elaborate, because we would certainly have to ponder over it in case any of these things I have mentioned should come to pass.

Mr. HAYDEN. You know the temperament of your employees, and have studied them for years. Under the circumstances you have described, which class of men would be most dissatisfied, those who worked eight hours and got eight hours' pay or those who would work ten hours, getting ten hours' pay?

Mr. HAND. Mr. Hayden, it is my firm idea, knowing the men as I do, that the men who would have to work eight hours would be very much more discontented than the men who would work ten hours cheerfully and contentedly.

Mr. HAYDEN. For the additional pay?

Mr. HAND. For the additional pay; yes, sir. I just wanted to say a word about our workmen as we have them in the yard to-day. They seem to be satisfied with their lot. Many of them have never worked any other place. They have homes near by; they have comfortable homes; they seem to be well off. We try to take care of them. We never had a case for damages go before a jury. We have a fair-sized pension list every month of old and disabled employees who still come regularly every Friday to be paid, and on the whole I think we have got a pretty well contented body of men working for us. In some departments we have, as has been mentioned in these hearings before, a subcontract department. There we take a man and try to make a business man of him, because we allow him to bid to us for his labor just exactly in the same way as we receive bids from material men for supplies.

Mr. HAYDEN. That is, his own labor and the labor of those whom he associates with him?

Mr. HAND. And those whom he employs. He has the same privilege of employing workmen under him as we have of going out and employing people to come and work for us. There are only one or two restrictions we impose upon him, and that is that the men he employs shall become, for the time being, employees of our own, and abide by the rules and regulations which govern the rest of our workmen whom we employ. To my own knowledge this has been a source of great profit to many of our leading contractors, as we call them. Some have been enabled to purchase homes in the neighborhood and they stay by us; they had much rather work under that system than to work under slightly advanced wages in other yards, because they do not have any opportunities there. All they can make in other yards is a weekly stipend, whereas under the conditions such as we have, under the subcontract system, there is no limit as to what a man might make per day. The only limit is the amount that he can do during the daylight hours. We have often had them come to us and ask whether we could not furnish them light on board

ship so that they would be enabled to work at night; but that is one of the rules we have made, never to allow any of our subworkmen to work around the ship at night, particularly when she is on the stocks or in an uncompleted shape.

Mr. HAYDEN. That is dangerous?

Mr. HAND. Positively dangerous. Yet, notwithstanding that, many of them are anxious to do that. That is one of the rules we have fixed.

Mr. VREELAND. How many men have you employed?

Mr. HAND. At the present time we have about 3,600 men, but we are very dull. Our capacity is about 7,500, but we have not got much work there now, and we are obliged to let them go.

Mr. VREELAND. You mean during the past year?

Mr. HAND. Up to about the 1st of October last we had every promise of a very successful year, not only in the shipyard but in other departments of our works, in our brass foundry, and our machine works.

Mr. VREELAND. Has this panic affected you materially?

Mr. HAND. Yes; very considerably. Not only did we have the money situation affect us seriously, but we have had a million and a quarter dollars' worth of work suspended; not countermanded, but held up.

Mr. VREELAND. Held up?

Mr. HAND. Yes, sir. In coming back again to the situation between our employees and our company, just this one thought, that if any changes such as are contemplated in this bill should come to pass, it ought to be a natural improvement in the conditions between the employer and the employees, and it ought not to be brought about by any legislative action. I would refer you, if I might, as bearing on this point, to the bulletin of the Bureau of Labor dated July, 1907, and with the permission of the chairman I will read just one or two extracts which appear to me to be quite apropos of the discussion going on before your committee.

Mr. RAINEY. What is this work?

Mr. HAND. It is a bulletin of the Bureau of Labor, No. 71, dated July, 1907. I read from page 1. It says:

In the year 1906 the average wages per hour in the principal manufacturing and mechanical industries of the country were 4.5 per cent higher than in 1905, the regular hours of labor per week were 0.5 per cent lower than in 1905, and the number of employees in the establishments investigated was 7 per cent greater than in 1905. The average full-time weekly earnings per employee in 1906 were 3.9 per cent greater than in 1905.

It then goes on to state the purchasing power of wages in regard to the prices of food stuffs, and without quoting all of it, I will state that it says in conclusion that an hour's wages in 1906 in the manufacturing and mechanical industries in the United States would purchase 1.4 per cent more food than an hour's wages in 1905, and a full week's wages in 1906 would purchase 1 per cent more food than a full week's wages in 1905. Then it goes on, too, and gives a chart of what has happened in the laboring element for a number of years past, which is very instructive, and I think it would add considerable information to the minutes or proceedings of this committee if such a chart as this was included and printed in the report, because it contains much valuable information. Now, this improvement in the laboring



people has been brought about not by any legislative action. It seems to me to have been brought about simply by the improved condition existing between the employee and the employer. I might compare these results to our own pay roll, which bears it out very, very closely. In the last year the lowest of our help has advanced about 5 per cent in wages. The other classes have advanced about 10 per cent. So, on the whole, we are paying to-day about 7½ per cent more wages than we did in 1905. That has all come about in a year's time. It came about voluntarily. We have had no disturbances of any kind, but I think not only in our own establishment, but in all the establishments that I am in close touch with, the mechanic is getting in closer touch with the employer, and I think conditions are getting such that their further improvement should be a question between man and helper and not by legislative action.

The practical side of this eight-hour business, I might say shortly, would be this: If we are obliged to work eight hours a day, it would certainly mean that we would be obliged to use the time which the men now have on Saturday afternoon, because we could not afford, with so much money invested in our plants, we certainly could not afford to lose this additional time. It would be just that much money and capital lying idle for that time. It would then be absolutely necessary, if we worked eight hours a day, to use Saturday afternoon, and I have not any hesitation in saying that any of our men would rather work ten and a quarter hours a day, as we do now, and have his holiday all in a lump at the end of the week, than to have it in a few minutes every day. He can do more with it. He can find his recreation better, and I think it would be much more beneficial to him.

Mr. VREELAND. What percentage of your men are skilled workmen?

Mr. HAND. I should say in the neighborhood of 65 per cent would be skilled workmen.

Mr. VREELAND. What would be the average pay they would get in the shipbuilding trade?

Mr. HAND. The 65 per cent would probably average about 25, 26, or 27 cents an hour; perhaps more than that, 27 to 30 cents an hour; while the average of the 3,700 men we have now, the entire average, is about 23 cents an hour.

Mr. HAYDEN. That does not include the apprentices, the boys?

Mr. HAND. Yes; that includes apprentices, and it includes people who are paid only by an envelope. It does not include superintendents, clerks, and draftsmen. That is only the people in the yard.

Mr. VREELAND. Mechanics and helpers?

Mr. HAND. Mechanics and helpers; yes, sir. I am afraid, too, that if such a law became operative some of us would be tempted to make a work day out of Sunday. It is true, as it is at the present time, we are very often obliged to work on Sunday. In that case the workman gets double the pay that he does during the week. But our opportunities in running our plant with an eight-hour day would be so curtailed that what with the bad weather in winter time, the cold and the snow, and with the hot weather that we have in the summer time, I do not suppose we average over forty-eight hours a week anyhow, and we could not then balance by working overtime, and in our endeavors to work out our problems I am afraid we would many,

many times be prone to take advantage of the extra day that Sunday gives us.

Mr. VREELAND. Do any of the other shipbuilding plants work less hours than Cramp's?

Mr. HAND. There are none of them that work less than fifty-six hours a week that I know of.

Mr. VREELAND. How about the English and French plants?

Mr. HAND. They work about fifty-five hours a week in the English yards. What they have in the French yards I do not know.

Mr. VREELAND. How about the German yards?

Mr. HAND. I am not conversant with the German yards.

Mr. HOLDER. The shipbuilding company in London, is not that running on fifty hours straight?

Mr. HAND. I do not know about that.

Mr. HOLDER. There is a very large yard down by the Victoria Docks.

Mr. HASKINS. Are you speaking about London, England?

Mr. HOLDER. Yes, sir.

Mr. HASKINS. Oh, we can not follow out things in England.

Mr. HAND. Those are the objections in particular that I have to the law that is being considered, and I have with me some of our superintendents who can tell you from a technical point of view how much more serious it is than even from a business point of view.

#### STATEMENT OF MR. WILLIAM H. GLOCKER.

Mr. HAYDEN. Where are you employed?

Mr. GLOCKER. Cramp's shipyard.

Mr. HAYDEN. What is your position?

Mr. GLOCKER. I am superintendent of the shops.

Mr. HAYDEN. How long have you been employed by the Cramps?

Mr. GLOCKER. I went there in 1876, and remained there until 1884, when I went into the employ of the consulting engineer of the Calumet and Hecla Mining Company. I later became his chief inspector. I remained with him until 1904, during which time I made Cramp's shipyard my headquarters, as they were doing lots of work at that time for the Calumet and Hecla Mining Company and several for waterworks jobs which that engineer had in hand at that time. In 1904 I went with Cramp as chief inspector, and about nine months after that I was made superintendent of the shops.

Mr. HAYDEN. As superintendent of the shops, what are your duties?

Mr. GLOCKER. I have charge of the pattern shop and boiler shop, the smith shop, the iron foundry, and the machine shop, and I look after all the work that is going on in those shops.

Mr. HAYDEN. In your present position and in positions formerly held by you with the Cramp Company, what opportunities have you had for ascertaining the feeling of the employees—the laborers and mechanics—so far as the terms of their employment were concerned?

Mr. GLOCKER. For a long time I was one of them and had every opportunity to do so. Then when I was stationed there as inspector I was not treated as a boss. I had many talks with the men, and had every opportunity to learn how they felt about their relations with the company.

Mr. HAYDEN. What, in general, has been their feeling?

Mr. GLOCKER. So far as I know, there has been a feeling of general satisfaction there; they are all satisfied with their condition.

Mr. HAYDEN. What systems of employment or of compensation prevail in the shops which are under your charge?

Mr. GLOCKER. The different ways in which we pay our men?

Mr. HAYDEN. Yes.

Mr. GLOCKER. Some of them work regular day work, others work piecework. By piecework we mean that a price is set for a certain operation on a certain object. That price is fixed by the foreman.

Mr. HAYDEN. You have read the bill under consideration?

Mr. GLOCKER. Yes.

Mr. HAYDEN. The pending eight-hour bill?

Mr. GLOCKER. Yes.

Mr. HAYDEN. How would that affect the operations of your shop? Please answer the question in your own way, both from the standpoint of the company as a producer and from the standpoint of the wage-earners? I will not interrupt you with questions.

Mr. GLOCKER. From my point of view, as a man from the shop. The principal objections to this bill are: In the first place, it will increase the cost of all Government work. In the second place, in a shop such as ours is, in which we are doing both Government work and mercantile work, it will also increase the cost of the mercantile work, or will in all probability breed dissatisfaction among our men. In the third place, it makes some operations in the shop impracticable, such operations as naturally will extend over a period longer than eight hours. In the fourth place, it places restrictions upon the laboring classes, limiting their earning capacity. Of course it is self-evident that the Government work will cost more money. Now, we pay our men by the hour, and if we are allowed to work only eight hours a day on our Government work the men that are on that work will earn only eight hours' pay, while the men on the merchant work will have more money at the end of the day, as they will receive pay for ten hours.

Even if the Government should make the price such that we could afford to pay our eight-hour men for ten hours' work, I am satisfied we could never do anything with the men on the merchant work, as they would feel that they were not being properly treated. On the other hand, if we were to raise the pay of the men on the merchant work, we would be in exactly the same position as when we started. The men on the Government work would be dissatisfied. Not only that, but I do not see how we could compete with the other yards, where the men are working ten hours a day, at the current prices.

As to the impracticability of performing certain operations in the shop, there are some things that take more than eight hours. For instance, if we had a large shaft to forge, and during the time of forging, while the heat is still on the whistle should happen to blow, we could not think of dropping that work and sending our men home. The only thing to do would be to continue work until that heat was worked off, and pay our fine. We would not have another force to put on, because we have just barely enough work now for one force for our big hammer. I do not see how we could arrange to work the men we have on the big hammer on anything else in the shop. A heater is good for that and nothing else, and the same is true of all the other helpers around the hammer.

Mr. VREELAND. Can you tell about the time it will take you to do that piece of work?

Mr. GLOCKER. To work off the heat?

Mr. VREELAND. Would it always be about the same?

Mr. GLOCKER. No, sir; that would vary with the size of the piece, also.

Mr. VREELAND. Can you tell from the size of the piece how long it will take to do it?

Mr. GLOCKER. Yes, we might; but not very accurately. But we would have to work that heat off for economic reasons. If we started that heat right after 1 o'clock, we might calculate on getting it worked off by 5. It is possible that the heat would not be on as soon as one expected, and could not be worked off until 6.

Mr. HAYDEN. That would be determined in a measure by weather conditions and the working of your furnaces?

Mr. GLOCKER. Not so much that; but even if we knew that it could not get through before 6 o'clock, it would not do to stop the furnaces a half day simply because if we went on we would have to work half an hour overtime, or an hour, as the case might be. In the foundry, if we had to pour a large casting—from 40,000 to 60,000 pounds—to do that we would have to make calculations as to how long it was going to take us, and we would do so to the best of our knowledge. We would get our iron in the cupola and start melting, when, on account of weather conditions or something going wrong with the blast, the iron would not melt as quickly as we had expected, or something might be discovered about the mold which would have to be changed, that would defer the time of the casting. In that case we would have to keep our men overtime. In our foundry we run only one heat every day, never more. At present we are not busy; we run three and sometimes four heats a week. In the foundry it would be even more difficult to keep an extra force on hand than in the smith shop. In fact, it would not pay to keep an extra force on hand.

In the machine shop we might have trouble, too. For instance, if we had a very large, expensive, and intricate casting to lay out. That is a job we would want to confine to one man. I do not know of any careful shop manager who would work two shifts at, for instance, laying out a very large cylinder for a battle ship. If the shopman wanted to get that cylinder on the planer for the night shift to work on, and he found that at the end of the day shift it would require several hours more work to lay it out, he would simply keep that man at work that much longer, and pay him overtime. I do not think any careful man would put a second man to finish the laying out of that cylinder. It is too expensive a piece to take any risk at all.

Mr. HAYDEN. The laying out of a cylinder consists of what? Describe that operation.

Mr. GLOCKER. That is pretty hard to describe exactly. The casting is placed on a large plate, and to lay it out the machinist has to lay down certain base lines from which he is to measure. Then lines are laid down like the center of the cylinder, the center of the valve chest, and the faces, where the cylinders join each other. All these measurements are taken from a few base lines. Each man lays down these to suit himself. Now, if a second

man were to take hold of that job, he would have to start from the beginning. He would not understand what the base lines meant, why they were put there, or what they were, unless he started from the beginning. To put a second man on that job would simply amount to doing the work of the first man over again. The laying out of a piece, before it goes on the machine, is necessary to make sure that the casting is made according to the drawing. It may be, and generally is, a little different from the drawing, and there is a certain amount of giving and taking that has to be done between different points before it can be used. If it were put right on the machine without laying out, the first man on the job would probably do something that would make it doubtful that the other operations would pan out all right.

Mr. HAYDEN. In other words, you are never sure of getting a casting exactly in accordance with the drawing so that you can plane off a certain fraction of an inch at each point and fit your drawing?

Mr. GLOCKER. No, sir.

Mr. HAYDEN. There are irregularities in each casting?

Mr. GLOCKER. In the large castings even in the metal from the same melt, there are differences in shrinkage, and there is a certain amount of humoring to be done in order not to get certain parts too thin.

Mr. HAYDEN. And this laying-out process is gone through?

Mr. GLOCKER. That is done to get the very best out of the casting as it comes from the mold. Of course if the shrinkage is excessive (even under the best of conditions our castings do not come out quite right), the casting will be rejected and must be thrown away.

Now, from the standpoint of a mechanic, which I am, I object to this bill because it will limit my hours of labor and thereby will diminish my earning capacity. It is true that at the present time I am not working by the hour, but I do not know but what I will be at some future time. If I were working in the shop, I am sure I would seriously object to having a bill passed by Congress that would not allow me to work as long as I pleased, and I feel confident that that is the sentiment of most of the men in our shops; I know that it is of a great many that I have known for a great many years. I find in my experience that men in the shop are much more anxious to earn more money than they are to work fewer hours. I believe that if this bill were passed, and we were obliged to work our men only eight hours a day on all Government work, we would lose a big percentage of those men on account of their going to other shops where they would have the privilege of working ten hours and thereby earn correspondingly more money.

Mr. HASKINS. That would be in commercial shops, on commercial work?

Mr. GLOCKER. That would be in shops where there was no Government work going on. I think that is about all I have to say.

Mr. DAVENPORT. In regard to the practical enforcement of this law, laws are of no use unless they are enforced, and when you are doing Government work and commercial work, is it separated in different parts of the shop?

Mr. GLOCKER. In our shop at the present time we have work for battle ships and for torpedo-boat destroyers, for hydraulic turbines, coke-oven machinery, sugar apparatus, hydraulic presses, and a great many more that I can not think of at the present moment.

Mr. DAVENPORT. This bill contemplates that the restrictions shall apply only to the time on Government work.

Mr. GLOCKER. Yes, sir.

Mr. DAVENPORT. It would be simply putting a man at work and shifting him off onto some other work. In enforcing such a law in such a shop as yours, how on earth could they ever tell and keep account so that they would ever know how much time a man was working on Government work?

Mr. GLOCKER. That would be very difficult.

Mr. DAVENPORT. How many inspectors would it require to even decide in the first place whether or not all the men were working on Government work?

Mr. GLOCKER. I do not see how a Government inspector could keep track of it. In fact, it would be very difficult for us to keep track of it, because there are a great many operations in the shop that last over a very short period, sometimes only a half hour or a quarter of an hour, the men may work on Government work for, say, an hour or an hour and a half in the morning, and they may get another job then, not Government work, and after that they may get Government work again, it would be an awful job to keep tab to see whether a man had worked more than eight hours on Government work.

Mr. DAVENPORT. It would take about one inspector for each man, would it not?

Mr. GLOCKER. I do not know about that, but it would take pretty near it.

Mr. DAVENPORT. Under this law as it is drawn it says:

No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition.

Now, in taking the chances as to whether you were within the law or not, to whom would you go to determine for you whether a man worked more than eight hours?

Mr. GLOCKER. I would not know who would determine whether it was an extraordinary occasion or not.

Mr. DAVENPORT. Or what was an extraordinary occasion?

Mr. GLOCKER. Yes, sir.

Mr. DAVENPORT. In other words, the matter is all fog?

Mr. GLOCKER. It would seem so to me.

Mr. DAVENPORT. That is all.

Mr. HAYDEN. You had mentioned your feeling with regard to the limitation of the hours that you are permitted to work, and what you believe to be the feeling of other laborers and mechanics in the service of the Cramp Company. If you can, I would like you to go into that question with a little more detail and tell us of particular instances in which you know men have sought an opportunity to do overtime work with the idea of getting extra money, and what it has led to in their condition.

Mr. GLOCKER. Only last week, in going through the shops, I had three different men come to me. By the way, at present we are working short time.

Mr. HAYDEN. Nine hours?

Mr. GLOCKER. Nine hours a day. Last week in going through the shops I had three different men stop me and ask me how soon we were going to resume full time. They at least, and I presume the rest, also are anxious to get back to full time so as to have the opportunity of

earning the money for the additional hour; it is not an uncommon occurrence to have men ask for the privilege of working overtime. Not long ago a man asked for that privilege, and in talking to him I found out what he was after. He was trying to pay off a mortgage on a home he recently bought; he said that by having the opportunity of making this additional time, it would enable him to pay the mortgage off a little quicker. Now, this is a privilege that I, as a working man, feel should not be denied me.

Mr. HAYDEN. I have nothing further, unless some member of the committee desires to ask the witness questions.

Mr. VREELAND. I have nothing.

**STATEMENT OF MR. JOHN F. KEEN, FOREMAN SHIPWRIGHT FOR  
THE WILLIAM CRAMP & SONS COMPANY.**

Mr. HAYDEN. How long have you been connected with the Cramp company?

Mr. KEEN. I started with the Cramp company in 1868.

Mr. HAYDEN. What position do you occupy?

Mr. KEEN. Foreman shipwright.

Mr. HAYDEN. What positions have you occupied from time to time?

Mr. KEEN. From time to time? I started in as a boy, practically, and came up as a mechanic, and I worked at regular mechanic's pay, 30 cents an hour, after I became a man, for the Cramp company, and then I worked along, and they increased me. At first I started in as a contractor—a subcontractor.

Mr. HAYDEN. That is you entered into contracts with the company?

Mr. KEEN. Yes, sir; subcontracts; and I worked, I think, at subcontracting about four years, and then they made me a quartermen. Then from quartermen I advanced to foreman of the department of shipwrights and I had charge, I guess, for the last twenty-eight years, or something like that, of the shipwright department. That is taking in the vessel as she comes from the mold loft, and you lay the keel blocks and put the keel on the blocks, and regulate the ship and run all lines and "ribbing," and see that she is put in good shape; and I have charge also of launching the ship, and the carpenter jobs; all that comes under the shipwright department.

Mr. HAYDEN. That is, you have had to do that, or had supervision of that work on the ships?

Mr. KEEN. Yes, I have had supervision of that work on the ships. We work a great deal subcontract. Our men are almost always willing to work subcontract.

Mr. HAYDEN. They would rather do that?

Mr. KEEN. Yes; we have been following it up almost since 1876.

Mr. HAYDEN. From the standpoint of the subcontractor?

Mr. KEEN. Yes, sir; from the standpoint of the subcontractor.

Mr. HAYDEN. Employed by the Cramp company?

Mr. KEEN. Employed by the Cramp company.

Mr. HAYDEN. Tell us about those subcontracts, how they are let?

Mr. KEEN. We generally put in a bid, the foreman does, to the Cramp company. They give him the details, the number of jobs to complete the ship in the department, such as the decks, the ceiling,

the boats and boat davits, and the bitts and chocks throughout the ship. On the Government ships we do not give much out, but on the merchant work we do. We have contracted some of the work on merchant ships, such as decks, and the rate of pay is 30 cents an hour.

Mr. HAYDEN. That is the minimum wage?

Mr. KEEN. Yes, sir.

Mr. HAYDEN. The contractor, the subcontractor, gets that anyhow?

Mr. KEEN. Yes, sir; that is sure, that 30 cents. The subcontractor runs no risk of losing anything.

Mr. HAYDEN. Where does he get his material?

Mr. KEEN. That is furnished by the company.

Mr. HAYDEN. That is not charged against him?

Mr. KEEN. No, sir; anything he would spoil, the company stands good for it.

Mr. HAYDEN. If he spoils material, or his men do, that is the company's loss?

Mr. KEEN. That is the company's loss. Under the last contract they gave out on a merchant ship, the contractor made 25 per cent over and above his wages.

Mr. HAYDEN. What do the contracts cover, the labor?

Mr. KEEN. Just the labor; yes, sir.

Mr. HAYDEN. They have nothing to do with the material?

Mr. KEEN. No material at all.

Mr. HAYDEN. Who furnishes the tools you use?

Mr. KEEN. The Cramp company furnishes the tools and maintains the shops. The carpenter furnishes his own tools.

Mr. HAYDEN. Where do the subcontractors get their labor? Are they restricted to employees of the yard?

Mr. KEEN. No, sir; they can take the men from the yard or from outside, as they see fit. The contractor can select the best men for the jobs.

Mr. HAYDEN. And what arrangement does the subcontractor make with the men he employs to do his work?

Mr. KEEN. He makes the arrangement that they have got to come under the rules and regulations of the Cramp company.

Mr. HAYDEN. And every one of his employees gets a minimum wage?

Mr. KEEN. Yes, sir.

Mr. HAYDEN. Is it customary for the subcontractor to allow him anything more?

Mr. KEEN. Yes, sir; he has a privilege, after the job is done, to make him a present, or to make an agreement to increase his pay according to the amount he makes on the job. That is the custom, for the subcontractor to offer his man a bonus to expedite the work. That is, the rate is 30 cents an hour, and he will say, "I will give you 35 cents or 40 cents an hour, according to the work you turn out on the job."

Mr. HAYDEN. Because it is to the contractor's advantage to finish the work quickly?

Mr. KEEN. Yes; and he can work in the summer time, beginning at half past 4 o'clock in the morning, so as to get out of the heat of the day, or have the privilege of working on and making the extra hour, or take the regular hours.



Mr. HAYDEN. And all the men in the shipwright's department do not go to work at the same time—I mean throughout the year?

Mr. KEEN. No, sir; we work here all outdoors work, and we start in at 7 o'clock and quit at 5.

Mr. HAYDEN. Those are the regular hours?

Mr. KEEN. In the winter season.

Mr. HAYDEN. How about in bad weather?

Mr. KEEN. In bad weather they lose. That is the reason that makes the men under me willing to make overtime or increase the hours.

Mr. HAYDEN. How about the summer, when the day is long and the midday is hot?

Mr. KEEN. They prefer coming in a little earlier in the summer time.

Mr. HAYDEN. And that is permitted?

Mr. KEEN. Yes, sir.

Mr. HAYDEN. Now, you are obliged in summer, when part of your men come to work at 7—I have forgotten the earlier hour; did you say half past 4?

Mr. KEEN. Yes, sir; some of them will come in that early when they have contract work.

Mr. HAYDEN. Would it be possible for you to keep track of all of them and make certain that none of them worked more than eight hours in the course of the day?

Mr. KEEN. We generally have a timekeeper to go around and correct all the times on the ship. It is very seldom they miss anything like that.

Mr. HAYDEN. I mean, if you were obliged to compel a man to stop work after he had been engaged at it for eight hours, would that be feasible, with the men coming to work early in the morning and laying off at midday and coming in again in the evening?

Mr. KEEN. Well, I do not think the men would be satisfied to quit.

Mr. HAYDEN. You do not?

Mr. KEEN. No, sir; I think a man would want to work on.

Mr. HAYDEN. That is, you believe a man would want to make—

Mr. KEEN. All the extra time he can.

Mr. HAYDEN. Upward of eight hours, to get the compensation?

Mr. KEEN. Yes, sir. I have had men come to me, at the present time, not over a couple of weeks ago. Of course we have been losing a great deal of time, and they are working only nine hours, and they are very anxious to see the time increased to ten hours—ten and a quarter hours, with three quarters of an hour at dinner time. Then we lose Saturday afternoons, you know, so that cuts the week up pretty well. If they should lose a day and then Saturday afternoon, there would not be much left in a stormy week.

Mr. HAYDEN. Taking the branches of the shipyard work coming within your direct supervision, would it be difficult or impossible to carry them out on an eight-hour basis where overtime work was forbidden?

Mr. KEEN. I think it would be very difficult for us to establish an eight-hour basis on a great many jobs I have to look after. Here was an instance just about three weeks ago. Of course we are starting a little ahead of time to launch this battle ship, the *South Carolina*. The ways in our yard runs about 18 inches under the low-water tide.

Mr. HAYDEN. That is, the outer end?

Mr. KEEN. Yes.

Mr. HAYDEN. From which the ship would go into the water?

Mr. KEEN. Yes, sir. And we had a northwest wind that blew the tide down 2½ feet below the ordinary tide, and of course we took advantage of that wherever the foundation was busted under the ways to repair it.

Mr. HAYDEN. That gave you an exceptional opportunity to adjust your ways for launching?

Mr. KEEN. Yes, sir; because the tide stayed out almost all the day, and when it came in it did not rise more than 18 inches above the ordinary low tide.

Mr. HAYDEN. How much time did you put in that day?

Mr. KEEN. About eighteen hours.

Mr. HAYDEN. Was there any complaint among the men?

Mr. KEEN. No, sir; they were only too glad to get to do it.

Mr. HAYDEN. They were paid six hours at overtime rate?

Mr. KEEN. Yes, sir. I have had no complaint among the men since I have been in Cramp's shipyard. They are always very anxious to make overtime. At night or early in the morning they have time and half time allowed, and on Sundays double time.

Mr. HAYDEN. How about the matter of installing on the vessel her armor plate, the heavy main belt armor? How would that be affected by an eight-hour limitation of the day's work permitted?

Mr. KEEN. We have had a little difficulty with that. We have had the *Tennessee* there that when she dipped in the water after she was launched they had to stop putting weights on her. Suppose we started putting plates on her that weighed 35,000 or 40,000 pounds; if we started a little after noon we would keep right on with that job, because it would be dangerous to let them lay on the atlas.

Mr. HAYDEN. The atlas is the floating derrick?

Mr. KEEN. Yes, sir; and we even had to build a cofferdam. The ship got so deep in the water that we had to put a dam around her, and when we got the dam against the plate, and the men working in it, we had to work three or four hours overtime, the evening hours.

Mr. HAYDEN. Suppose you had not done that? Suppose you had limited yourselves to an eight-hour day, what would have been the result?

Mr. KEEN. The result would have been that they would have had to stop putting weights on the ship.

Mr. HAYDEN. That is, they could not have installed the engines or compartments or other parts of the vessel that were in progress at the same time you were installing her main belt?

Mr. KEEN. Yes, sir; they did have to stop putting weights on her until they got clear of the main belt. They were delayed with her armor. With the *South Carolina*, we have the armor for her, but we had not in that case. In fact, that happened in all those cases.

Mr. HAYDEN. What branches of your work, the woodwork of the yard, are affected by the tides and weather conditions? I would like to have you discuss that, in your own way.

Mr. KEEN. Well, it has been the armor, and also launching the ship. Now, as you start in to make preparations to get the ship overboard, you have got to watch and work the low tides out. The tides run out a little distance, it would be about 125 feet, and if we did not take

advantage of these low tides, I do not know how we would make out to launch the ship.

Mr. HAYDEN. Could you use a diver?

Mr. KEEN. We tried that, and they are not reliable. After the diver left we had very low tides, and after we even sent our men down without a diving suit they found the work was not satisfactory.

Mr. HAYDEN. And you do not want to risk a \$3,000,000 ship?

Mr. KEEN. No, sir; we like to see it pretty near with the eye.

Mr. VREELAND. What part of the work of building a battle ship, of your work, is machinery?

Mr. KEEN. We do not bother with the machinery. We take the hull construction; we take the vessel as she comes from the mold loft, and see that she is put on the keel blocking, and we lay the foundations, and carry all the foundations for the guns and decking, and deck fittings, anchor cranes, and davits, and I don't know how many different jobs.

Mr. VREELAND. If you work eight hours a day instead of ten, will not your men be able to work much more efficiently, so that you will get pretty near as much done at night, in shipbuilding?

Mr. KEEN. Done at night?

Mr. HAYDEN. Done at night?

Mr. KEEN. No, sir; I think men could do more in daylight than they could in the dark.

Mr. HAYDEN. I think the question is, Could your men, if they knew they were to work but eight hours, work for that length of time with sufficient additional zeal and energy to accomplish as much in eight hours as they do customarily in ten hours?

Mr. KEEN. No, sir; they would accomplish more in ten, sure.

Mr. HAYDEN. Do you find that men do poorer work after working eight hours than they do in the earlier stages of the day?

Mr. KEEN. No, I could not say they do poorer work after eight hours.

Mr. HAYDEN. Just as good?

Mr. KEEN. Yes, sir; no difference I see.

Mr. HAYDEN. And they do just about as much?

Mr. KEEN. There is as much done in the last hour as in the first or middle hour of the day. I see no difference in that.

Mr. VREELAND. Well, of course, where the output of a plant is made largely by machinery, I can see that taking off two hours would practically take off that portion of your day's work, because the machines do not get tired; but I have heard it urged that where it is largely hand work, an efficient mechanic will not do much more in ten hours than he would in eight hours.

Mr. KEEN. He will do considerably more in ten hours than he will in eight hours, by hand work.

Mr. HAYDEN. You know that from your own experience?

Mr. KEEN. Yes; I know it from my own experience and by myself.

Mr. HAYDEN. And the men who have worked under you as a sub-contractor?

Mr. KEEN. Yes, sir.

Mr. VREELAND. You have nothing in the building of a ship, then, that is so exacting and takes such particular attention from a man?

Mr. KEEN. We have what, sir?

Mr. VREELAND. You have nothing where it requires such attention from the workman, and where it is such a strain on him by reason of the close attention he must give to his work, so that eight hours would be all he could work efficiently? There is nothing of that kind in building a ship?

Mr. KEEN. No, sir; I never heard tell of a man being overworked, or under a heavy strain, or anything like that, in regard to working ten hours.

Mr. DAVENPORT. The same difficulties would exist if the Government ever had to build ships and undertook to make contracts?

Mr. KEEN. I guess they would, in some cases. That would depend on how they put up their ships. If they put them up in the way our company does, they would have to get a different method from the way we are working.

Mr. DAVENPORT. It would make it impossible for the Government to build ships and promote the general peace of the world?

Mr. KEEN. Yes, sir.

Mr. DAVENPORT. It would bring about disarmament in the United States pretty soon, would it not?

Mr. KEEN. Well, I don't know about that; the Government could build the ships, of course. They would not stop for any losses like a private company does. A man has to look to get out of it all there is in it, in a way.

Mr. HAYDEN. If there are no further questions, that is all. Thank you very much, Mr. Keen.

**STATEMENT OF MR. FRANCIS J. TUCKER, GENERAL SUPERINTENDENT OF THE SOUTH CHESTER TUBE COMPANY.**

Mr. HAYDEN. What is your occupation?

Mr. TUCKER. I am at present employed as general superintendent of the South Chester Tube Company, at Chester. We are engaged in the manufacture of wrought-iron pipe and tubes.

Mr. HAYDEN. Has your company any dealings with the United States or the District of Columbia or any Territory?

Mr. TUCKER. Yes; we do work occasionally for the United States Government. We just recently finished an order for some work for the Canal Zone.

Mr. HAYDEN. What was your occupation before you entered the employ of the Chester Pipe Works?

Mr. TUCKER. I was employed by the Cramp Shipbuilding Company in various executive capacities.

Mr. HAYDEN. What were those? Just tell us what they were and what branches of the company's work you came in contact with.

Mr. TUCKER. I went into the employ of the company as an apprentice in the machine shop. I finished my apprenticeship, and then I was employed as a draftsman. From the drafting room I went into the general work in the shipyard, under the direction of the general superintendent. In the various capacities I was employed as foreman rigger, foreman riveter, and the assistant superintendent of hull construction, which was the last position I occupied when I left the company's service. I was in their employ about twelve years.

Mr. HAYDEN. What were the hours of labor during those twelve years; that is, the regular hours of labor?

Mr. TUCKER. The regular hours of labor were ten and a quarter hours a day. I frequently, in that time, worked longer than that particular number of hours.

Mr. HAYDEN. Was that voluntary on your part?

Mr. TUCKER. That was voluntary on my part, yes, sir; and I was very glad to do it, as it enabled me to add considerably to my weekly stipend. I never felt that it in any way incapacitated me for giving a proper return to the company in my services on the day following.

Mr. HAYDEN. Or that it was an injustice to yourself?

Mr. TUCKER. Or that it was an injustice to myself. I do not think the modern employer of labor will ever force his men to work longer hours than they are capable of standing, if for no other reason than from a purely selfish standpoint. He does not in that case get a return from those men in labor for the money he pays out to them. I would like to say a few words with reference to the provision of the bill which works a hardship to the workmen themselves. In my experience in handling men I have frequently been requested by workmen who wished to work overtime and make additional money, where they have had some unforeseen drain on their resources, probably illness at home, or possibly they were buying their own homes and took this opportunity and this means of either paying their honest debts or else laying by something for a rainy day, against the time when they would be old and unable to labor.

The argument has been advanced that the additional two hours a day that the men will get will allow them to improve their minds and to cultivate the society of their families. My experience as a workingman, and through the period I had supervision over them, is that the man who loves his family and the man who loves his home is only too keen and too willing to give for those loved ones the best that is in him, and if he is restricted in his labor he is unable to give them, as a rule, the education he desires; he is unable to lay anything by for a rainy day. He is perfectly willing to work, as a rule, his ten and a quarter hours a day, and it is not beyond the ability of a man to stand ten and a quarter hours a day. He goes home healthily tired and not fagged out; while a man that does not love his home will spend the additional two hours in a saloon. That is what he will do with the extra two hours. So much from the man's standpoint. From the standpoint of the employer, in my particular case it would work a very great hardship in the matter of economic running of the plant. We have furnaces that run continuously. They are so operated that we get nine and a quarter hours in one turn and nine and a quarter hours in the next turn, actual profit, out of them. If we were limited to eight hours a day we would lose in product fully 20 per cent. It would be impossible for us to get a third shift of men, as our work is of such a character that there are not very many skilled men in the particular line in the United States that do that class of work.

Mr. HASKINS. What is to hinder having three shifts working eight hours apiece?

Mr. TUCKER. I say our work is of such a character that we are unable to get any more than enough men to run two shifts.

Mr. HAYDEN. Even to-day?

Mr. TUCKER. Even to-day.

The CHAIRMAN. Is there not another difficulty about that, in the cleaning of the furnaces, or something like that? For instance, you get two nine and a quarter hour shifts. Now, how much actual loss of time is there in there?

Mr. TUCKER. Out of the twelve hours we get the nine and a quarter hours per diem. The rest of the time is consumed in cleaning and preparing furnaces.

The CHAIRMAN. By other men?

Mr. TUCKER. By the same men. The men who are on the crews perform the various operations in the making of the tubes, clean the furnaces, and prepare them for making the next turn.

The CHAIRMAN. Three eight-hour shifts could not work in there; is that the point?

Mr. TUCKER. That is the point. Three eight-hour shifts could not work in there very well. I would explain that more in detail by saying, suppose we would stop at 4 o'clock with one shift, and the next shift of men would come on; at half past 5 our furnaces would be burned out. That is the time we have to stop and clean. It takes half an hour to clean, and it takes three-quarters of an hour to get the furnaces up to the welding temperature again, so that there is three-quarters of an hour we would lose in that time by the men waiting.

The CHAIRMAN. That would be lost twice in twenty-four hours?

Mr. TUCKER. Yes, sir; twice in twenty-four hours.

The CHAIRMAN. In continuous running?

Mr. TUCKER. In continuous running. Then, in the matter of the unloading of the material, which seems like a small item. We are pretty well spread out in our plant. We occupy a good deal of ground, and we have to do all the unloading in the daylight. It would put us to a very great additional expense to construct our yards so that we would be able to work a second shift. If our unloading crews, for example, would knock off at 4 o'clock, it would possibly take three or four more hours under stress of conditions to unload the material necessary for the night's run. It is not a feasible thing to get a crew of men to come in for, say, four hours in one day. Naturally we could not pay them for a full eight hours' time when we only required their services for three or four hours. Usually we finish our work in the daylight; there are times when we are forced to work two or three hours overtime.

Mr. HAYDEN. In those cases you pay the men at overtime rates?

Mr. TUCKER. Yes, sir; we pay the men at overtime rates.

Mr. HAYDEN. What is your overtime rate?

Mr. TUCKER. Time and a quarter.

Mr. HAYDEN. If you call upon them to work on Sundays and holidays, what is your overtime rate?

Mr. TUCKER. It is a flat rate, time and a quarter.

Mr. HAYDEN. Unless the committee has some further questions to ask, that is all.

At 4.30 o'clock p. m. the committee adjourned until to-morrow, Tuesday, March 3, 1908, at 2 o'clock p. m.

TUESDAY, *March 3, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. JAMES B. KELLY, REPRESENTING THE THOMPSON-STARRETT COMPANY.**

Mr. KELLY. The Thompson-Starrett Company is without doubt one of the largest construction companies in the United States, and we have offices all over in the different parts of the country, our home office being in New York. We have offices in New York, Chicago, Philadelphia, Salt Lake City, and San Francisco. Our work with the Government in Washington has been rather limited. At present we are furnishing the granite work for the National Museum.

Mr. EMERY. Will you state, for the benefit of the committee, some of the largest structures in Washington which your company has erected.

Mr. KELLY. In Washington we have the Union Station, which as you all know is quite a large contract.

Mr. EMERY. Do you know approximately what the cost of it is?

Mr. KELLY. Approximately about \$17,000,000. Then we have the Kenesaw Apartment, the Benedict Apartment, \$150,000, the Metropolitan Citizens Bank, which has just been finished, about \$400,000, and so on.

Mr. EMERY. Did you speak of the Masonic Temple?

Mr. KELLY. Yes; we have the Masonic Temple, which is in course of erection. It amounts to \$344,000. Some of the larger buildings around the country are the Delta Building in Boston, the Marine Conservatory of Music in New York, the St. Regis Hotel, the United States Express Building, and the Crescent Atlantic Club. Do you want any more in New York?

Mr. EMERY. No; I just want enough to give an idea of the extent of your experience.

Mr. KELLY. In Philadelphia we have the Wanamaker Building and the Alpha Theater.

Mr. EMERY. You are engaged very largely in the reconstruction work in San Francisco?

Mr. KELLY. Yes; we have at the present time eighteen jobs in San Francisco, and of course we depend largely on our subcontractors for all our work. We take a contract, and we generally figure on letting some 25 of the sublines in the building, such as the fireproofing and the stonework, the brickwork, and miscellaneous contracts for heating, and that sort of work; and our men are employed on the buildings—that is, union men are employed—eight hours. The laborers, of course, are employed just as we need them.

Mr. EMERY. You are almost exclusively an employer of union men, are you not?

Mr. KELLY. Union men throughout the country; that is our policy, to use union men.

Mr. EMERY. Can you state approximately how many men are in your employ to-day?

Mr. KELLY. At the present time there are probably between 9,000 and 10,000 men, and we are not as busy as we have been at other times. We probably employ 20,000 men when we are busy.

Mr. EMERY. When you say that these men are employed on an eight-hour schedule, you mean that is the standard workday?

Mr. KELLY. That is the standard workday agreed to by the unions.

Mr. EMERY. In your agreement with them is provision made for overtime?

Mr. KELLY. For overtime, and they get time and a half on week days and double time on Sundays, and we have found it to be customary among union men to be very anxious to work overtime and double time on Sundays. They seem very anxious to work to get the extra money, and we have never had any difficulty. In fact, they have come to us and asked us if they could work overtime.

Mr. EMERY. Then you have never, in your dealings with the unions, found the unions objecting to making arrangements for overtime?

Mr. KELLY. Not in the slightest; they are very conservative about that.

Mr. EMERY. They have never attempted to inhibit you to an eight-hour day?

Mr. KELLY. No, sir; never at all.

Mr. EMERY. Did you state to the committee the number of subcontracts you probably make?

Mr. KELLY. We make probably about 25 subcontracts in our work.

Mr. EMERY. Do you find, as a practicable matter, within the range of your experience in this large construction work, that those materials that must be made to carry out a contract of this character, any large contract for construction, can be purchased in the open market, or are they usually made to order, and is that particularly true of Government contracts?

Mr. KELLY. We find that there is very little work we can purchase in the open market. The main thing in the building is the common brick, and that, of course, can be purchased in the open market; but when it comes to the face brick and things of that sort in a great many cases we have to have that made specially.

Mr. EMERY. Do I understand that you know of many cases where even the brick has to be specially made?

Mr. KELLY. Yes; at the present time, in the Masonic Temple, we have a case where the brick is made specially to match the limestone that is used; and also where we have molded work; and our terra cotta is the same way. No two buildings are ever designed the same way. The steel work is not designed the same way, and certainly we have to have the terra cotta and our fireproofing all made special, and we find that these kilns do not employ union men, and they work probably nine and ten hour shifts.

Mr. EMERY. Can you state for the benefit of the committee what the practical objections would be to undertaking Government contracts by your company under the conditions fixed by this bill?

Mr. KELLY. Well, if this bill were to pass we would find that there would be a great objection from the Thompson-Starrett Company, and I think from other companies, to taking this Government work, and consequently the better contractors would be shy, they would fight shy, of bidding on this work, and it would leave it to smaller contractors, more irresponsible contractors, instead of the larger and more responsible contractors doing it as it is now. The Thompson-



Starrett Company of course have figured on a great deal of the Government work in this city, but have not been fortunate enough to get much of it.

Mr. EMERY. Do you find that the conditions of Government contracting are somewhat onerous now?

Mr. KELLY. Yes; they are very rigid at the present time, and I think that if anything like this were brought up it would make it almost impossible to get a Government building built in the city.

Mr. EMERY. Can you say whether or not the Thompson-Starrett Company, if this bill became a law, would undertake to carry out Government contracts under such conditions?

Mr. KELLY. I will say right now, offhand, that they would not undertake to build any of these buildings. That is my impression at the present time. I have been to a number of these stone quarries all over the country, and I find that we have to depend on them for marble, limestone, and granite, and none of them that I know of have any unions or any special time for working; that is, they would probably work a ten-hour shift, and maybe work a twelve-hour shift.

The CHAIRMAN. One moment. You are examining the gentleman with regard to brick and terra cotta, and as to whether they are in the trade manufactured to conform to particular specifications or not. Section 2 of the act as it stands reads:

SEC. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not.

Now, what is the idea? Is it contended that brick does not come within that exception? Is it contended that a brick being an article such as can usually be bought in the open market, when made to conform to a particular specification it is not flatly within the exception?

Mr. EMERY. Mr. Chairman, the attention of this particular witness was called to that for the purpose of opening to you a new line of testimony with respect to that particular thing; that is, while it is generally true that brick for construction purposes may be bought in the open market, and frequently is, yet the brick required on public structures is often of such kind, is often of such special manufacture and kind, that it has to be manufactured according to particular specification.

The CHAIRMAN. And is not that precisely what is meant by the exception?

Mr. EMERY. The words "whether made to conform to particular specifications or not" are conditioned by the phrase "usually bought in open market." You can not get these kinds of brick in the open market. They are not in stock. They can not be kept, and they have to be made to conform to the particular specifications in each case.

The CHAIRMAN. Pardon me; do not let us grow prejudiced. The gentleman who formulated that language was a pretty fair lawyer. Now, the thought was this, if I have ever understood it. Brick are such articles as can usually be bought in the open market. Now, that is brick; that is the foundation of the thing. They remain excepted, even though made to conform to any particular specification. That would certainly cover the color, the size, even the shape. That was the intention; that was the construction. That language

is not mine, but I think it is fair to Judge McComas to give his language consideration before we say he has absolutely failed to do what he attempted to do.

Mr. DAVENPORT. Suppose the words "usually be bought in open market" were stricken out, would it alter the sense at all?

The CHAIRMAN. It reads "or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not." It would mean something supplied or it would not mean anything.

Mr. DAVENPORT. The words "in open market" have a meaning there. Is that language "whether made to conform to particular specifications or not" supposed to be descriptive of the class of things that can be bought in open market?

The CHAIRMAN. The meaning of it was that it should not apply to brick, because they can be usually bought in open market.

Mr. DAVENPORT. We often use language which has a very different meaning from what we intended.

The CHAIRMAN. That may be true. The idea was, in the development of the discussion, that it should not apply to brick or stone, or should not apply to sundry other things.

Mr. HASKINS. Stone? You can not buy granite or marble in the open market anywhere.

The CHAIRMAN. You can buy a good many stones in the open market.

Mr. DAVENPORT. What meaning did Judge McComas ever attach to the term "open market?"

The CHAIRMAN. Any material, as I understood it, or articles that were made for a commercial purpose and offered generally for sale. Now, that particular thing, or kind of article, brick, for instance, might be manufactured to conform to any sort of a specification, but it remained a material that was usually purchasable in the open market. For instance, he found you could go to the brick yards in Baltimore and purchase any amount of brick. Now, the idea was that they were a thing to be bought in the open market. That phrase is used somewhere, in some judicial decision; I can not recall it at this time. The idea was that you could go to the brickyards at Baltimore and buy brick in any amount. Somebody wants them pale and somebody else wants them salmon colored, and somebody else wants them with some particular sort of coloring matter in them; they want them with smooth surface like the Philadelphia press brick, and so on. The idea was that that being a brick, a thing that was usually to be bought in the open market, by adding those words "whether made to conform to particular specifications or not," the entire brick family was eliminated from the bill.

Mr. DAVENPORT. The word "articles" was inserted by him so that it would cover articles as well as raw material. Adopting that construction, how broad would it be? Anything that a man can go and buy, is that excepted? Would not that almost take in a ship itself?

The CHAIRMAN. Not the ship, I think. That point was raised. Somebody, I do not know who now, raised that point. They said, "You insert that phraseology 'whether made to conform to particular specifications or not,' and you have excepted the ship," but I do not think that is true. I do not think the court would give it that broad a construction.

Mr. HAYDEN. Mr. Chairman, let us take a parallel case to that of brick. Ship plate is purchasable in the open market always. Now, would that apply to armor plate? That is a mere ship plate, and the mere fact that it is made a certain number of inches thick and to certain sizes and specifications makes the difference there.

The CHAIRMAN. That is not my language, and I did not suggest it, primarily. It was accepted by the advocates of the bill.

Mr. DAVENPORT. It was not accepted as it came out from Mr. McComas's committee, because they were very much opposed to it.

The CHAIRMAN. At a later stage, I think the record shows when the McComas bill became the Hitt bill, it was the same in that phraseology. I think the record shows that that was accepted.

Mr. EMERY. I called your attention to this in particular because Mr. Kelly, for instance, represents the thought of the contractor as to entering into contract with the Government and bound under penalty to carry out this contract, subjecting himself to the penalties which are here provided, the moment this language is put in there. The moment he has any doubt as to whether such articles as he purchases for use within that contract come within the language or not, he finds himself not only in conflict with the author of the bill and possibly the chairman of this committee, but between the law officers of the Government themselves and the author of the bill, because I will call your attention to the fact that the Secretary of the Department of Commerce and Labor pointed out these very phrases as ambiguous, indefinite, and uncertain, and suggested that they be changed and obliterated.

The CHAIRMAN. Is it desired to have them obliterated? Is that what is desired? There has been a great deal of evidence directed against their indefiniteness and ambiguity. They were not put in at the instance of the advocates of the bill.

Mr. DAVENPORT. It seems to be thought they are very bad if they are in, and very much worse if they are out.

Mr. EMERY. The objection seems to be, outside of the legal meaning of the bill, that the contractors have to take an uncertain risk, and therefore the Government is discouraging competition for its contracts instead of encouraging it.

The CHAIRMAN. If it is doubtful whether these phrases fail to accomplish the purpose for which they are intended, why not do away with that doubt?

Mr. EMERY. We are not offering this bill, and if it becomes a necessary stipulation for the contract, then the contractor must have this phrase in there or else under the statute he makes an invalid contract, for which he can not collect. The contractor is therefore asked to gamble in litigation, assuming the risk while the Government supplies the interpretation. I wanted to show further, Mr. Chairman, by this witness that in a particular instance, in the public buildings at Annapolis, they have used types of brick not found on the open market, and not even found in the ordinary stock of the ordinary brick sampler, and these bricks had to be made in particular molds for that purpose. We do not want to be specious about this, but it is one of the ordinary difficulties that the contractor must face. The Government invites him to do its work, and then discourages him from doing so by the character of the contract it forces him to make, so that the Government has the choice of confining itself to the larg-

est contractors, with the best force behind them, or confining itself to those smaller ones that dare to accept the risk.

May I ask you, Mr. Kelly, possessing the knowledge, whether I stated that incident correctly which you stated to me respecting the particular bricks, of special size and character, and of a kind never found on the market?

Mr. KELLY. Yes; I was going to state that almost anything used in the building business can be bought in the open market. Take lumber; that can be bought anywhere, and gotten up to certain specifications, and to suit certain conditions. Take steel; you can buy that in the open market. Take fireproofing; that is the same way; it is just made to conform to the steel work. And it is the same with various other lines that can be bought in the open market, granite and marble; it is just the case of their being cut out and made to fit and suit the drawings and specifications.

Mr. EMERY. You can buy fixtures?

Mr. KELLY. Electrical fixtures; yes.

Mr. EMERY. Could you buy these particular fixtures in the open market? [Indicating fixtures in the committee room.]

Mr. KELLY. Yes; you could buy these particular fixtures in the open market. The only difference would be when you get a wall bracket or something like that, that you have got to put in a fixture that would suit the conditions; but a center fixture like this in this room you could buy in the open market.

Mr. HAYDEN. How about elevators; are they usually designed for the building?

Mr. KELLY. Yes, they are; but the equipment that enters into those can be bought—the dynamos, and cables, and steel work—they can all be bought in the open market. It is just a matter of putting them all together to suit the conditions that surround the case.

Mr. EMERY. While you can buy steel in the open market, you could not buy the steel required for the arches of a particular structure; for this depot, for instance?

Mr. KELLY. No. You can buy the same size of steel as would be put in those arches, but it has to be bent to suit the plans. You can buy 12 or 15 inch I beams and channels, and things of that sort. The Carnegie Steel Company has standard sizes, and we take the list and get what we want out of the standard sizes.

Mr. DAVENPORT. Right on that point, in this connection, to save the trouble of the members of the committee hunting through past records, I want to call your attention to the construction that was put upon this by Judge Payson when the question was propounded to him before this committee in the hearings of the first session of the Fifty-seventh Congress. I read from page 179:

Mr. RHEA. What, then, Judge, would this mean, in your opinion: "Or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not?"

At that time the word "articles" had not crept into the bill. Judge McComas, I believe, put that in later.

Mr. PAYSON. It means, I think, exactly what it says, and nothing more: "Things bought in the open market, whether they are made to conform to certain specifications or not." As, for instance, lead pencils or penholders. This penholder might be ordered. The tip here is of rubber, and this piece is of wood, and the style could be specified, and the way in which the pen should be held so and so. The specification might call for that penholder specifically, giving just what it should be. If a

manufacturer is making that same kind of a penholder to go into the market to be sold generally, the bill does not apply, but if the specifications go on to say that upon every piece of rubber shall be the words "The United States Government," or the "Declaration of Independence," or any special fabrication, such a stipulation is an entire change in the article so far as its being of the kind ordinarily sold in open market is concerned.

Any substantial portion of the construction of the article which is made to conform to specifications, which is not common to that on sale in the "open market," comes within the provisions of the bill, whether it be a penholder or a battle ship, in my judgment. I do not see any escape from it. Take the legend upon this paper in my hand. The paper is found in the market, and envelopes of the same size and quality, but the distinctive character of it is that it is printed with embossed letters "House of Representatives, Washington, D. C.," different from anything else. Of course, it is stationery, and you can go into the open market and buy stationery, but you can not buy that, and when this special work is done in the paper mill it is done with special reference to the contract which the agents have for that specific article for the United States, as to style, shape, and character of printing, and so forth, which shall be put upon it. That is what I think this provision means. I do not think there is any escape from it.

The CHAIRMAN. That is the statement of Judge Payson before this additional language went in?

Mr. DAVENPORT. The question asked him was:

Mr. RHEA. What, then, Judge, would this mean, in your opinion: "Or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not?"

Mr. Payson put that construction on it at that time.

The CHAIRMAN. Is the language "made to conform to particular specifications" right in the bill?

Mr. DAVENPORT. Yes; but you must remember that so many articles were shown to be within the purview of this bill that as a means of escape from the objection Judge McComas in reporting the bill inserted the word "articles," so that it now reads "such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not."

Mr. EMERY. If I may be permitted, I should like to call the attention of the committee to this language in the opinion of the solicitor of the Department of Commerce and Labor as to these phrases, which are the identical phrases contained in this bill. I read from page 17 of this report of 1905:

In addition to these, certain contracts which belong to the second class above mentioned are excepted from the operation of the bill. They are "contracts for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, and contracts for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not."

Both of these exceptions, in my opinion, are expressed in language which is vague. In case this bill becomes a law there will necessarily be a variety of interpretations made by executive officers, by contractors, by laborers, and by the courts, until a clear and final determination has been made by the highest court of the land.

Then on page 18 of the same opinion he says:

The fourth exception in the bill is "contracts for the purchase of supplies by the Government, whether manufactured according to particular specifications or not." The word "supplies" is one which is used with a great deal of latitude. Its definitions vary from the comprehensive ones given in Webster's Dictionary and in the Standard Dictionary, viz, "that which supplies a want;" "that which is or can be supplied; available aggregate of things needed or demanded," down through various limitations to the extremely narrow meanings given to it as used in appropriation bills, where legislative provision for one class of articles has caused a general provision for "supplies" to be held not to include articles mentioned in other places in the bill which would, however, ordinarily fall within the term. This uncertainty in the use

of the word "supplies," like the vagueness of the expression "such materials as may usually be bought in open market," in my opinion, makes it vitally necessary that the bill should be amended and more specific language used. Uncertainty as to the scope of these exceptions will doubtless result in contractors increasing the amounts of their bids or refraining from bidding. If they bid under the impression that the contract which is sought by them is within the exception, it may thereafter be determined that it is not within the exception, and in such event great loss would result to them.

Those two defects were pointed out, Mr. Chairman, at the request of the committee of the House of Representatives April 13, 1904, and in this report given in response to their desire for their guidance, still remain in the bill, and in the same objectionable form in which the solicitor pointed them out at that time.

The CHAIRMAN. They are Senate amendments to the original bill. In order to make this clear, I will say that the original draft of the bill had the following exceptions:

SEC. 4. Nothing in the act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way or transportation, or for such materials as may usually be bought in open market.

There it stops. There is where the original bill stops.

Mr. DAVENPORT. And the words "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," were added in the Senate, also?

The CHAIRMAN. Yes. The original bill simply said "or for such materials as may usually be bought in open market." Now, criticism is easy. The phraseology was not adopted without consideration. It was believed to be very broad in that form. I am frank enough to confess that I doubt whether it has ever been broadened by all the broadening phrases. But then came the contention that if a lead pencil had the "U. S." on it, it was taken out of that exception. To meet that, Senator McComas put in the added words "whether made to conform to particular specifications or not." Then upon further argument, line 7 in this bill was amended by the insertion of the words "or articles." Then upon further discussion the words were added "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not." They are every one of them amendments made to the bill on the Senate side, at one time and another, for the purpose of meeting objections made to it in argument.

Mr. RAINEY. Does the original bill simply contain the word "materials?"

The CHAIRMAN. This need not go in the record unless somebody wants it in there. I drew this bill, substantially the present bill, stopping at section 1.

Mr. DAVENPORT. Your bill did not provide for appeal.

The CHAIRMAN. No; that has been put in here since. But I mean the provision for what is to go in the contract, stopping at the end of section 1. I drew that, realizing that there ought to be some exceptions.

Mr. EMERY. The phrase "contemplated by the contract" was added, was it not?

The CHAIRMAN. No; that is in the original. The words "any part of the work contemplated by such contract" are in the original. At that time there was stationed here in Washington, as now, some gentlemen representing the American Federation of Labor, among

them Andrew Furuseth, the best lawyer I have ever known who never studied law, who perceived that the bill was impracticable for transportation by water. Furuseth represented the seaman's union. He said, "We can not enforce an eight-hour bill on shipboard." Then the question arose here in general discussion as to how far the exception should go, and section 2 down to and including the word "market," in line 8, excepting only the words "or articles," on page 2, line 7, were written by Andrew Furuseth. All of section 2, from the beginning down to the word "market," in line 8, excepting only the words "or articles," in line 7, they were put in in the Senate, were suggested by Andrew Furuseth. They were considered here for a very considerable length of time and adopted as being very broad in their scope. All the other exceptions, all the balance of that section, in so far as it excepts things, got in in the Senate. The provision beginning with the word "no," in line 15, and going down to the conclusion of line 18, was in the original act. But those enlargements of it, if they do enlarge, "or articles" and "whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," are Senate provisions, as is also the provision for the right of appeal, to which you have called attention, beginning in line 18.

Mr. EMERY. Is the phrase "by other extraordinary event or condition" of recent addition?

The CHAIRMAN. No.

Mr. EMERY. Was that in the original bill?

The CHAIRMAN. I think that was in the original bill.

Mr. DAVENPORT. In 1904 the bill pending before this committee was the Hitt-McComas bill. That is the Senate bill.

The CHAIRMAN. Yes.

Mr. DAVENPORT. In 1906 the old Grosvenor bill was introduced, and that was the one that was reported out, under circumstances familiar to the chairman. Now, that bill had this language:

SEC. 4. Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be enacted for violations of such provisions due to extraordinary emergency caused by fire, flood, or danger to life or property. Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

You see, the words "or by other extraordinary event or condition" were not in that bill.

Now, Mr. Gompers was advocating the passage of the Gardner bill here two years ago, and he was asked whether he would be willing to have inserted in that bill those amendments which were in the Hitt-McComas bill, the Senate bill, and he said that he preferred it as it was. Thereupon Mr. Haskins said this, which I read from page 21 of the hearings of 1906 of this committee:

Mr. HASKINS. Coming back to the bill, in the excepting clause there are two words that seem to have been omitted by Mr. Gardner, and I assume unintentionally, which

words are inserted in H. R. 4064, and in every other bill which is in this portfolio in relation to eight hours, and those words are "or articles." For instance, all the other bills read like this:

"Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market."

All the other bills have the words "such materials or articles as may usually be bought in the open market."

The CHAIRMAN. That was put in over in the Senate.

Mr. HASKINS. I think it ought to be put in here, unless there is good reason for not putting it in. I was going to ask Mr. Gompers if he had any objection to inserting the words "or articles" after the word "materials."

Mr. GOMPERS. I think it would be very much better to omit it. The word "articles" admits of such wide construction.

Mr. HASKINS. Take, for instance, the Fairbanks Scale Works in my State; they have contracts for the building of scales for the Post-Office Department, usually small scales, and larger scales, and of course those scales can not be bought in the open market, and I think the words "or articles" should be embraced in this bill.

The CHAIRMAN. It was to meet just such cases that the words "or articles" were originally inserted in the Senate. The word "materials" was put in the original bill here.

Mr. HASKINS. Materials are raw materials.

The CHAIRMAN. The reason for not inserting the word "articles" here, and inserting it over there, was that we found in the old hearings that "materials" was meant to cover such things as paper and departmental supplies.

Mr. HASKINS. Those scales are departmental supplies.

Mr. GOMPERS. Then it would seem that it would be unnecessary to particularize and say "articles."

Mr. HASKINS. But I am a little afraid that the word "materials" as it is used here would not include such things.

Mr. GOMPERS. I am free to say that under the provisions of the law I do not think these scales would form a part of such products as would come under the operations of the bill.

Mr. HASKINS. You do not think that scales would come under the operations of the bill?

Mr. GOMPERS. I think not. I am not quite sure. I am not sure of my ground about it.

Mr. HASKINS. If it should, it would break up their entire works entirely.

The CHAIRMAN. I have here the original bill reported out of this committee. The exceptions, as I have stated, were put on by way of amendment. This is the bill in the Fifty-sixth Congress, first session. I was mistaken about the words "whether made to conform to particular specifications or not" being in the original limitation of the hour. This reads:

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer, on behalf of the United States, any Territory, of the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire, flood, or danger to life or property.

It is all in there.

Mr. RAINEY. The word "articles" is out, and that is about all?

Mr. DAVENPORT. No; the words "or by other extraordinary event or condition" are not there.

Mr. RAINEY. Yes; that is so.

Mr. DAVENPORT. And also the words "or for the purchase of supplies" are not in the original Gardner bill.

Mr. RAINEY. Yes.



The CHAIRMAN. So that I took the McComas bill, or practically the McComas bill with some lines stricken out of it.

Mr. RAINEY. I was very much interested in Judge Payson's definition in this connection, as read by Mr. Davenport a while ago, and I have not been as close a student of this subject as others, not nearly as close a student as the chairman of this committee has, and I wish the chairman would give us his construction as to this question: What articles could be manufactured according to particular specifications, and at the same time be such articles as could be bought in the open market, having in view the ordinary common law definition of the term "open market?"

The CHAIRMAN. Well, just before you came in we had been talking about brick. I think that we had no doubt that brick was an article that usually could be bought in the open market at any brick yard. If brick were made to conform to particular specifications, whether by color or size, and so on, it would still be an article that could be usually bought in open market, made, however, to conform to a particular specification. The particular limitations neither the committee, nor any member of it, so far as I know of, attempted to fix, because it would require infinite wisdom. That is what all the testimony and hearing is for, to find out what are materials that can usually be bought in the open market, primarily, but in particular cases are made to conform to some particular specification. The impression has always been, I think, with the people who suggested the language, and I know it has been with myself, that the exception was very broad. In other words, it was not the intention of anybody when this bill was drawn—that shows its own evolution on the face of it—to do those things that it is contended here will be done, for instance, following a rib of a ship all the way back to the mine out of which the ore is taken. I do not know that it can be too strong to say that such a suggestion at that time would have been thought to be rather absurd. But the contention has been made ever since that the bill does that.

The purpose was to have the work done—that is, to have the thing built, to have the thing made on the eight hour plan. Nobody originally, I repeat—not the advocates of the bill nor anybody in the Federation of Labor, nor anybody else—ever had the thought occur to them that the thing tracked backward from the battle ship to the mine from which the ore was taken; but that contention has been made ever since the bill has been coming before the various committees of various Congresses.

Mr. HASKINS. The Union Depot over here was constructed of granite that was furnished from my district. Do you know of any open market where you can go and buy blocks similar to those which went into that depot?

Mr. KELLY. No; you can not buy the granite all cut to suit that particular case, but you can buy the granite by the cubic foot.

Mr. HASKINS. In the rough?

Mr. KELLY. In the rough.

Mr. HASKINS. But do you know of any open market where you can buy finished blocks of granite?

Mr. KELLY. No; not to suit that particular case.

Mr. HASKINS. Or to suit any particular case?

Mr. KELLY. No.

Mr. HASKINS. Is all the granite that is gotten out for public buildings or private buildings constructed or gotten out according to certain specifications?

Mr. KELLY. Yes, sir.

Mr. HASKINS. That is what I supposed. I know I have seen it done hundreds of times, and every piece of granite that is gotten out for a particular building is marked and numbered before it is shipped?

Mr. KELLY. Yes.

Mr. HASKINS. To fit its particular place?

Mr. KELLY. Yes, sir.

Mr. HASKINS. So that the building goes up like Solomon's Temple, each piece being put in its place?

Mr. KELLY. Yes, sir.

The CHAIRMAN. Where do we get the particular construction? You admit that granite is a material that can usually be bought in open market?

Mr. HASKINS. No; in the rough block.

The CHAIRMAN. But granite is a material that can usually be bought in open market?

Mr. HASKINS. No; I do not admit that; not the particular building material.

The CHAIRMAN. I would like to get at a construction of this phraseology, because it is important.

Mr. HASKINS. That is a matter——

The CHAIRMAN. But to ask a question and assume an answer accordingly does not get at the solution.

Mr. HASKINS (continuing). Which can be determined by the committee, if necessary. It is a matter of law and legal phrasing.

Mr. NICHOLLS. Can you tell me whether in erecting a building such as the Union Station or any other building, upon ordering from the various quarries which quarry granite, you could secure blocks of stone in line of a certain order which you have sent to the various manufacturers?

Mr. KELLY. Do you mean to say, could we buy material in the rough block and then have it cut after it comes here?

Mr. NICHOLLS. No; but there are many quarries, are there not, that take out granite?

Mr. KELLY. Yes, sir.

Mr. NICHOLLS. Suppose you send an order to one of them and say "I want you to cut out so many blocks of granite and finish them to such and such a size," would they comply with that order?

Mr. KELLY. Yes; they will.

Mr. HASKINS. Right there, instead of buying those blocks in the open market, you purchase them on orders, do you not?

Mr. KELLY. Yes, sir.

Mr. HASKINS. You do not get them out beforehand?

Mr. KELLY. Yes; but the idea is that you buy the granite and then it is made to conform to particular specifications afterwards.

Mr. DREW. Do you make a special contract to cut the granite afterwards?

Mr. KELLY. Yes; sir.

Mr. DREW. I think that answers the question.

Mr. HASKINS. But the dealers in granite who accumulate a great pile of granite to sell afterwards, do they not furnish it upon orders?

Mr. KELLY. Yes, sir.

Mr. HASKINS. You can not order it and buy it like you can go into a store and buy a jackknife, can you?

Mr. KELLY. No, sir.

Mr. HASKINS. You can buy steel beams on the open market?

Mr. KELLY. Yes, sir.

Mr. HASKINS. Can you buy steel beams such as are used in the construction of this depot down here, or of this Capitol, or in the building of any private or public building in the District of Columbia?

Mr. KELLY. The idea is that you can buy the material, and afterwards it has got to be made to conform, like in the other cases, to conform to order.

Mr. HASKINS. When it conforms to that order——

Mr. KELLY. It fits that building, and it is not made to conform to any other at all.

Mr. RAINEY. That would be true of the lumber also?

Mr. KELLY. Yes, sir; lumber and most any building material.

Mr. RAINEY. You could saw the lumber up?

Mr. KELLY. Yes; you fix the trim up and it is not good for any other building.

Mr. DREW. In your specially high-grade buildings, you have to sub-contract for nearly all of the material that goes into the building?

Mr. KELLY. Practically all.

Mr. EMERY. Furthermore, Mr. Kelly, in the matter of Government contracts, in the supply of materials, whether iron or stone, are you not required to supply a specific kind of a material? For instance, in the steel submitted, it must have certain tensile strength, and also the stone must be according to a certain specification?

Mr. KELLY. That is all specified, yes; open hearth or Bessemer process, all specified.

#### STATEMENT OF MR. EDWIN S. WILLIAMS, OF SCRANTON, PA.

Mr. DREW. Mr. Williams is the president of the National Association of Builders, Mr. Chairman.

Mr. WILLIAMS. I would like to state that this National Association of Builders' Exchanges is composed of delegates from the various States, and we are represented to-day by delegates from the States of New Jersey, New York, Delaware, Pennsylvania, Tennessee, Texas, and Florida, and we have several members who have not sent their delegates with us to-day, from Nevada, and we have the people of Canada interested with us in this movement. We are trying to build up an organization to give the builder fair play. The reason we wish to protest against the passage of this eight-hour bill is because we can see that eventually it will establish a universal eight-hour day on all goods manufactured for the United States Government, we feeling that we are citizens of the United States and that we have a right to enter a protest to the representatives from the different sections.

There are a great many of our operations where we have men working different hours. For instance, where we have a gang of bricklayers working it is necessary to have the laborers work over eight hours to get the material ready. We feel that the passage of this law making it obligatory upon us to employ those laborers only eight

hours on that work would interfere with the arrangement of our work; would make it cost more. Then there are a number of shops that are manufacturing sashes and doors and blinds, doing millwork, which are working nine hours. It would decrease the output of those shops just 11 per cent; the men would not get any more pay on pay day; it would decrease the output of the business 11 per cent, and increase the cost of the product 11 per cent. You can readily see it would revolutionize some of the processes we are going through at the present time.

Then there is another feature of that bill; the words "be permitted." I believe that every individual citizen of this United States ought to be permitted to make the best of his ability and the best of his opportunities. It was not very long ago I used to run a stone yard. One of the men asked me, coming up the hill, whether we used any cut stone. I told him that I had a paper submitted to me by a committee one day, and they said "We want you to sign this paper." I said "I do not want to." They said "Nearly all the other stone yards have signed." I said "I will not." I have not run a stone yard since, and that is five years ago. They closed it up, simply because I would not put my name to that paper. I believe, gentlemen, that where we do not interfere with the rights of any other person, violate any law of morals or any other law, that we should not be molested and brought down to just a certain narrow limit. There is not one of you who would be here to-day if you had been limited to one-third or one-quarter of your capacity, and we wish to enter this protest in the name of the National Association of Builders' Exchanges, as interfering with the individual liberty of the people of these United States, by a few of their representatives coming here and saying "We will not permit you to do more than eight hours' work." If we were bringing hardship or risk to the lives of people by working men beyond their limits, that would be another matter, but we know this from actual experience, that when it comes to a question of eight or ten or eleven hours, I have put this to a test. I had a gang of men working at a place, and I said "I want to get this work along, and how many of you want to work overtime?" The fellows who got the overtime work were crowing over the others because of that fact, and some of the others quit because those who were working overtime were making more money. You take it in the building trades of New York City. You will find that when they are rushed on big buildings the men are glad to get overtime, because of the increased money it gives them on pay day.

This question of eight hours for work, and eight hours for play and eight hours for sleep is all right, but I believe that every man should be given the opportunity to make the best of himself, and I think it is against public policy to restrict and throw all these restrictions around these different things and increase the cost of our living. Of course, some may say "What do you care for the working man?" I do care for them. I am a working man myself. It increases the cost of every product that the working men use. It costs more to build the home. Who pays it? The man who rents. It costs more to build a store. Who pays it? The man who buys the goods. It costs more to manufacture an article in a factory. Men must get an investment out of their money. Who pays it? The consumer. You know, as Lincoln said, "God must love the common people, because he

made so many of them." We are all common people, but we do not want so many restrictions thrown around us, so we enter this protest in the name of the association.

Mr. NICHOLLS. I would like to ask whether or not, in the increased cost, it is not entirely a matter of wages, as far as the day laborer is concerned? Is it not entirely a question of wages in as far as it affects the cost of production?

Mr. WILLIAMS. No, sir; it is largely the cost of the investment. A capitalist who puts his money into machinery, puts his money there for the purpose of getting an investment, and if that factory or that machine is restricted from the output half of that may be labor and the other half may be the investment of that capital, so it is not entirely the cost of labor.

Mr. NICHOLLS. I intended my question to be that in as far as the cost of production was affected by the employer of labor, then it only was a question of the amount of wages paid per hour.

Mr. WILLIAMS. In so far as it was only a question of the cost of labor, then it certainly would be a question of labor, but in both cases you have got to combine machinery and labor together. At the present time labor and labor alone could not put up this building; you have to have your hoisting engines and railroad trains, and you have to have everything else to get this material here.

Mr. PAYSON. You have to have capital behind it all.

Mr. WILLIAMS. You have to have capital first and get your materials and build the buildings. Modern buildings are different from what they used to have, when you used to have your dugouts.

Mr. NICHOLLS. Would you say, Mr. Williams, that in this bill there is any compulsion as to the taking of work by any individual, workman or contractor?

Mr. WILLIAMS. Oh, no; a man does not have to eat; there is no compulsion about it. A man does not have to do business unless he wants to.

Mr. NICHOLLS. And is it not after all a question as to whether this Government will favor the proposition to establish by its own example an eight-hour day.

Mr. WILLIAMS. The Government as an employer has the right to establish it; there is no doubt about that. We do not doubt the constitutionality of the bill, not for a minute.

Mr. NICHOLLS. What I meant was this, Mr. Williams, that after all, bringing the question, if you will, into a nutshell, it means this, whether or not the Government will express its approval of an eight-hour day by placing this kind of work under that class as an example or not; is not that the question?

Mr. WILLIAMS. If the Government did not interfere with the private affairs of manufacturers and business men, we would not have a word to utter in protest, but how would you run a shop with, say, four of the men working on sash and doors in a United States Government building, and they had to work eight hours, and the rest of the gang working nine hours? It interferes with the private affairs of manufacturers and the business men.

Mr. EMERY. You distinguish, do you not, between the right of the United States to fix the hours of labor, or the hours of work on its public buildings, on property over which it has absolute control, and its right to interfere and fix the hours of labor in a private employment through a prohibition placed on the private contractor?

Mr. WILLIAMS. We admit the right of the United States Government to fix the eight hour or four-hour day, only in as much as it interferes with the private individual's right.

Mr. EMERY. Let me ask you this question, in response to a question asked by Mr. Nicholls as to labor cost. The cost of labor is expressed not merely in the wage paid, but in the efficiency of the labor, is it not?

Mr. WILLIAMS. It certainly is, because if a man is efficient and does more work than the other fellow at the same pay, it reduces the cost of labor on that item.

Mr. EMERY. If you paid two men \$4 a piece and one does 20 per cent more than the other, one costs you 20 per cent more than the other?

Mr. WILLIAMS. Undoubtedly.

Mr. PAYSON. Is it not also unfair to the laboring man in restricting him?

Mr. WILLIAMS. I think it is, to restrict him from exercising his whole strength. There is an effort to level us all to a certain level, and it cannot be done. I sat beside a coal miner—I know Mr. Nicholls is a coal miner—in a hearing at the Lackawanna County court-house, and I knew he was a miner by the little scratches in his hands—you have the same, Mr. Nicholls—and I was listening to Mitchell and the others at the Anthracite Coal Commission hearing, before Judge Gray and the others, and I said "What time did you get out this morning?" He said "Half-past 10." I said "How many cars do you get in your shift?" He says "6." I said "Did you get in your shift?" He said "No, 5." I said "Who limits the amount of cars you get out?" He said "The local." I said "If you could get out 8 in a day and get that much more money, would you not be permitted to do so." He said "No." Now, that is not right. Some men have big families and some by extra diligence can make more money and save more and they ought to have the right to do it, and there is the principle I object to on those lines.

Mr. EMERY. In your experience, Mr. Williams, as an employer of labor, have you ever found a union that refused to permit its men to work overtime, or did not provide for the conditions under which overtime work could be done?

Mr. WILLIAMS. No, sir.

Mr. EMERY. Did you yourself ever find from general experience that workmen avoid overtime and did not like to work overtime?

Mr. WILLIAMS. They want overtime.

Mr. EMERY. You distinguish, then, between the eight-hour day as a standard work day and the eight-hour day without overtime, or without opportunity to work more than that if a man wishes to?

Mr. WILLIAMS. There is this point, in nine cases out of ten you give the opportunity to a labor union, or to the members of it, to get some time in and time and a half; you give a man an opportunity to do that where he is working for 50 cents an hour and he can get in another hour, and he will do it every time; not only do it, but willingly and gladly. I have known men to quit who have not been able to get overtime.

Mr. NICHOLLS. You pay time and a half?

Mr. WILLIAMS. Yes, we pay overtime.

Mr. NICHOLLS. That is generally provided in the contract?

Mr. WILLIAMS. When there is an agreement made, for instance, with bricklayers, plasterers, or stonecutters, it states that eight hours

shall constitute a day's work and all time over that shall be paid for as time and a half, except for holidays and Sundays, when we pay double time; and you ought to see the fellow who wants and is anxious to fix a boiler on Sunday.

Mr. NICHOLLS. What is the general attitude of the employer as to overtime; does he desire it?

Mr. WILLIAMS. He does not on contract work. If it is a laboring job where the man can charge it up to the owner, like fixing a boiler for a bakery, or something like that, where it can be done at night, the employer does not care, because he charges it up to the owner.

Mr. DREW. Then, if there were lots of work at a certain time in a community, and a number of employers were working overtime and others not, the employers who were not working overtime would have difficulty in getting men?

Mr. WILLIAMS. Yes, sir; and men will leave a job where they can not get overtime and go to one where they can get the most time and the most money; that is human nature.

Mr. RAINEY. If laboring men so universally prefer to work overtime, how do you account for the fact that their organizations, although they differ as to nearly everything else, are all united in demanding an eight-hour day?

Mr. WILLIAMS. They get more pay for less work.

Mr. DREW. The eight-hour day is used as a unit in the measure of wages, not to limit the number of hours of work. The custom of working more than eight hours is universal. The custom of measuring the pay by an eight-hour day is as universal as the unions can make it.

Mr. NICHOLLS. Will you explain, please, Mr. Williams, why the clause is put in the contracts that time and a half must be paid for overtime and double time for Sundays?

Mr. WILLIAMS. Yes, sir; that is to put a penalty on the employer who will work his men more than eight hours.

Mr. DAVENPORT. Mr. Nicholls stated this as a proposition, to let the Government set the example of an eight-hour day, the policy of it. He omitted to state, to set that example by arbitrarily depriving the workmen of the privilege of working overtime for overtime pay, whether it is the policy of the United States Government to set the example of an eight-hour day by striking down the rights of workmen from working overtime for overtime pay; that is the proposition here.

Mr. WILLIAMS. I do not think it is right; of course not.

Mr. NICHOLLS. I think I asked the question if that really was not the question involved in this bill; at least, that is what I intended.

Mr. DAVENPORT. Without a qualification, stripping the workmen of their natural rights.

Mr. NICHOLLS. I did not mean that phase of it.

Mr. EMERY. I wonder if Mr. Nicholls, as a practical miner, would say whether, as a matter of fact, he worked overtime himself?

Mr. NICHOLLS. Oh, yes.

Mr. WILLIAMS. To get the extra pay?

Mr. DREW. No, for nothing, of course.

Mr. WILLIAMS. He was working overtime and I have seen him working overtime many times, myself, at the court house; he worked overtime then.

Mr. DREW. Was it on Government work?

Mr. WILLIAMS. Yes, on Government work; he got the job.

**STATEMENT OF MR. C. E. WOODNUTT, OF WILLIAMSPORT, PA.**

**Mr. WOODNUTT.** I am the president of the Pennsylvania State Association of Builders' Exchanges, representing about 4,000 builders in the State of Pennsylvania. Mr. Williams has covered the ground pretty thoroughly in his statement to you. There is not very much for me to add along the line of argument. I do want to say this, that every word he has uttered is true from the builder's standpoint. It would work such a hardship on the builders if this bill becomes a law, that there would be lots of builders throughout the country who would absolutely refuse to bid on Government work on account of the liability that would be thrown on their shoulders by the terms of this law, making them responsible, as I understand it, for the acts of the subcontractors.

Again, touching on the point of the planing-mill work, I would like to give you an illustration that I think is apropos to the question. We have, in our city, one of the largest planing mills in the State of Pennsylvania, a planing mill that has gotten out probably 90 per cent of the mill work for the improvements at Annapolis within the last eight years. I am in very close touch with this mill, and the owners and managers of it tell me that they are about ready to stop taking Government work for that reason. You can imagine, gentlemen, under trade conditions where they are pushed to the limit, and you can get only so many men in the mill, a man for every machine and a man for every bench, and you can not get any more men in there to do the work; when you have worked eight hours on Government work, and they are working, as our mill is frequently, ten, eleven, twelve, and thirteen hours, you can realize what would happen when the eight-hour limit had been reached.

**The CHAIRMAN.** What kind of a mill is that?

**Mr. WOODNUTT.** Planing mill, which turns out doors, sash, molding, and everything of that kind.

**Mr. DREW.** I understand you to say they work eight hours a day on Government work and nine, ten, or eleven hours on other work, that is, private work?

**Mr. WOODNUTT.** Exactly. There are men in the busy season who work as high as thirteen hours a day.

**The CHAIRMAN.** They are doing that now?

**Mr. WOODNUTT.** They are doing that now. When the eight hours, which this bill permits for Government work, expires this work has to be put aside.

**The CHAIRMAN.** Who is working eight hours now?

**Mr. WOODNUTT.** All the employees in that mill—not working now, but if this bill becomes a law and they have to work eight hours on Government work and then that work is set aside and then they work for the other three or four or five hours a day on other work all the machines will have to be changed and a lot of time lost at the expense of the owners of the mill or the expense of the Government. You can see where it is working a hardship on them.

**The CHAIRMAN.** That is on the same theory that blinds, sash, and frames are articles that can be bought in the open market.

**Mr. EMERY.** You might say that of some of them, but undoubtedly a large part of the doors and sash for public buildings are made to specifications.



Mr. NICHOLLS. Would you object to this bill if its provision did not affect your production in supplying the Government?

Mr. WOODNUTT. It is not my production; I am not a mill man; I am a general contractor. Speaking as a general contractor, I should certainly oppose the bill.

Mr. NICHOLLS. Whether it affected the millwork or not?

Mr. WOODNUTT. Certainly. It affects all along the line, every man who is engaged in the business, whether a general contractor or subcontractor.

Mr. NICHOLLS. You just bring that in as an additional argument?

Mr. WOODNUTT. Simply as an illustration.

Mr. DREW. Is there anything that goes into a building that you do not have to subcontract for, that you can buy in the open market?

Mr. WOODNUTT. Yes; you can buy the glass.

Mr. DREW. Can you buy structural steel?

Mr. WOODNUTT. No.

Mr. DREW. Can you buy cut stone in the open market?

Mr. WOODNUTT. No.

Mr. DREW. Can you buy marble in the open market?

Mr. WOODNUTT. Not ready to put in the building; you can only buy it in the rough.

Mr. DAVENPORT. From your experience with workingmen do you think they would be in favor of a law which would deprive them of the right to overtime pay if they understood that that was the law?

Mr. WOODNUTT. I think not, because along that line my experience is just as Mr. Williams's. The men in my employ are only too glad to work overtime for the sake of the overtime pay.

Mr. DAVENPORT. Do you think they would resent a law that would deprive them of that privilege?

Mr. WOODNUTT. If they are consistent they would.

Mr. DAVENPORT. You say that, knowing the men?

Mr. WOODNUTT. Yes; if they thoroughly understood the workings of it.

Mr. EMERY. Do you find it also within your experience as an employer that, normally speaking, a mechanic or laborer does as much work in eight hours as he could in nine?

Mr. WOODNUTT. No, sir; certainly not.

Mr. DAVENPORT. Can you discover any reason why certain classes of Government contractors covered by this bill should be exempted from its operation and others not?

Mr. WOODNUTT. No; I can not.

Mr. DAVENPORT. There is nothing in the nature of the employment or the character of the work done, or the value of the articles to the Government which would cause the Government to single out such contractors and penalize them in this way and let the balance of the business world out of it?

Mr. WOODNUTT. No; I do not think so.

#### **STATEMENT OF MR. E. J. DETERICK, OF PITTSBURG, PA.**

Mr. DETERICK. Mr. Chairman, I do not want to take any time of the committee here unnecessarily; the time is going on.

Mr. DREW. What do you represent?

Mr. DETERICK. I represent here at this meeting the State of Pennsylvania, the national convention, and I represent the Builders

Exchange League of Pittsburg, an organization of employers of the building trades.

Mr. DREW. What is your own business?

Mr. DETERICK. My own business is contracting in marble, tile and slate.

Mr. DREW. Could you get marble to conform to the specifications in a Government contract in the open market?

Mr. DETERICK. No, sir.

Mr. DREW. Could you get tile to conform to the specifications in a Government contract in the open market?

Mr. DETERICK. No, sir.

Mr. EMERY. Mr. Deterick, the tile or marble are so made to conform to particular specifications, to fulfill a particular Government contract, and are they useful for that thing and no other?

Mr. DETERICK. Most particularly so in the marble business; in the tile business you buy tiles by the square foot, but it has to be bought under certain specifications, under restrictions as to quality, color, and so forth.

Mr. DREW. Do the men in your employ work on the eight-hour basis?

Mr. DETERICK. They do.

Mr. DREW. Do they desire overtime?

Mr. DETERICK. My experience has been it has always been most desirable for all men to work overtime, particularly for the reason that they get increased pay.

Mr. DREW. They seek the overtime work?

Mr. DETERICK. It has been my experience that they would rather have the overtime than the regular work.

What I was going to say was to confirm the statements made by the gentlemen who spoke before me. In the first place, to pass by that, there are two thoughts that come to me in connection with this bill. One of them, particularly, is the question of the restrictions that come upon buying products in the open market, in line with the question that was asked me. Under an eight-hour law, it would affect every line of material in the building construction, from the tin gutter on the roof to the plaster on the walls, so that it is more far reaching than it would ordinarily seem from a casual observation. In other words, it reaches right down to every man at the quarries who manufacture cement; it affects the employment of his men to the extent that he has to employ men who would work only eight hours a day, and it would affect the cement that I use in connection with my business in the same way that the lumber and plaster and everything that comes in the construction of the building is affected. So that it absolutely covers every line that there is in building construction, possibly with the exception of nails.

The CHAIRMAN. Is not cement a matter that is purchasable in the open market?

Mr. DETERICK. No, sir. There are so many grades that in our business, generally speaking, we are bound to certain grades of cement. A specification will call for one certain grade of cement, and we are bound to that one cement, which means that it is only manufactured by the manufacturer of that cement.

Mr. NICHOLS. Is there not certain cement called "Portland" that is in the open market?

Mr. DETERICK. There are makes of it.

Mr. NICHOLLS. And then the Western Rosendale?

Mr. DETERICK. Yes, sir.

Mr. NICHOLLS. And the Eastern Rosendale?

Mr. DETERICK. Yes, sir. Those are not Portland cements. It applies just the same to them as to any other. There are specific grades of cements that architects require in their specifications must be used, and you have to buy that in order to carry out that specification.

Mr. NICHOLLS. Did you say there is a different composition in Western Rosendale?

Mr. DETERICK. I am not a cement expert, but there are different compositions of it, because it is made from a different stone—different conditions.

Mr. NICHOLLS. True; but suppose you wanted Western Rosendale; if you would order it by that name, you would get the same cement, would you not, from any quarry?

Mr. DETERICK. No, sir. Western Rosendale possibly might mean several grades made out West; defining it from the name alone, as I understand it, it would not be specified as Western Rosendale, but as to who makes that Rosendale; some particular manufacturer; that is the rule.

Mr. NICHOLLS. In your opinion, does the furnishing of that material come under the limitation of this proposed act?

Mr. DETERICK. I would judge that it does.

Mr. NICHOLLS. And that is why you object?

Mr. DETERICK. To that feature of it; that it affects every line of building construction and thereby is a restraint upon the freedom of the employer in executing his contract.

Mr. DREW. Do you know of any quarries on an eight-hour basis?

Mr. DETERICK. I am not conversant enough with the subject to answer that question, except from hearsay; I do not know directly.

Mr. DREW. Do you know of any tile factories on an eight-hour basis?

Mr. DETERICK. Most of them are.

Mr. DAVENPORT. You do not mean a rigid eight-hour day; you mean an eight-hour day with the privilege of working overtime?

Mr. DETERICK. That is the way I understand it.

Mr. DAVENPORT. You understand that this bill is to cut off absolutely all overtime, the possibility of overtime?

Mr. DETERICK. That is the way I understood it.

Then again, another feature of it that comes to my mind is the question of the possibility of damage accruing from the inability of a contractor who takes a contract for Government work, or any other kind of work, executing his contract within the time required. It is a well-known fact among employers of the building trades that organized labor does not do a full day's work based upon what record has been established by workmen who are not organized. So that we do not get eight hours' work a day as far as the men can perform it; and it has been the policy, in my experience, in a number of cases, where it has been necessary to carry out our contracts and get them through in the specified time, to work nights; otherwise to lay ourselves liable to a loss of liquidated damages. If we cut that off, we practically make ourselves so that we can not execute our contract according to the way it has worked. We can not get it done in the time required.

We would be interfered with very seriously in executing a Government contract which, as a general rule, specifies a certain time to be completed, and we are restrained to that extent.

Again, I think it is a hardship upon the workingman. I do not mean organized any more than I do any other kind of labor, from preventing any man from working as many hours as he wants to. I think it is an injustice upon the freedom of the individual as granted by the Constitution of this Government to say to any man that "you shall not work any more than eight hours a day."

#### STATEMENT OF MR. M. C. OSBORNE.

Mr. OSBORNE. I am a builder, and I represent the Association of Texas State Builders' Exchanges.

Mr. DREW. Does your association want this eight-hour law or not?

Mr. OSBORNE. They passed a resolution at their last annual meeting of the State association protesting against this eight-hour law.

Mr. DREW. Do you think of any actual facts in connection with certain work that would be of interest to the committee in relation to this? While you have been listening here, has anything occurred to you?

Mr. OSBORNE. Not except in regard to planing-mill work; I am interested in a planing mill, and we have made a proposition to furnish some millwork.

Mr. DREW. For the Government?

Mr. OSBORNE. For the Government; and we work nine hours in our mill; that constitutes a day's work.

Mr. DREW. Let me ask you right there, does the proposition contemplate the furnishing of material that could be purchased in the open market, or would it have to be made specially?

Mr. OSBORNE. No; it would all have to be made specially, and if this bill should be passed and a law go into effect we would either have to withdraw our proposition or we would have to work eight hours, because we could not work eight hours on one kind of work and work part of the men more than eight hours on another part of the work. And then again we find, when we are crowded with work, we have to work overtime in order to get the material out on time.

Mr. DREW. Could you compete with mills working nine hours and having an overtime custom on private work, if you put your mill on a strict eight-hour basis?

Mr. OSBORNE. Oh, no; certainly not.

Mr. DREW. Then it would involve your giving up private work if you took Government work?

Mr. OSBORNE. Yes, sir.

#### STATEMENT OF MR. ALEX E. PEARSON, SECRETARY OF THE NATIONAL ASSOCIATION OF BUILDERS' EXCHANGES, OF WEST ORANGE, N. J.

Mr. PEARSON. Mr. Chairman and gentlemen: On the question of wages, for example, in the building trades, statistics compiled show that the builders of the United States have a weekly pay roll of some \$20,000,000, amounting to the stupendous sum of \$1,000,000,000 per year. A 10 per cent increase, even, of such figures, amounts to a great deal, as you can easily figure, that being only the laborer. The laborer's wages in the building trades are greater than any other two industries, that of iron and steel and textiles combined, and as a

purely money proposition of increasing hours and consequently decreasing output.

Mr. DREW. There is an eight-hour day generally now in the building industry, is there not?

Mr. PEARSON. In many branches.

Mr. DREW. We hope the men are earning what they are getting; the building industry is the largest, so that the pay roll ought to be the largest.

Mr. PEARSON. Yes.

Mr. EMERY. He understands that the eight hours in the building trades that is in general practice to-day is the standard work day; it is not the time to which men are limited.

Mr. PEARSON. It is the standard work day.

Mr. DREW. Do you know whether overtime is common in the building trades?

Mr. PEARSON. It is common in the building trade. In my position as boss carpenter in West Orange, my men are more than glad at all times to work overtime at, as has been said, pay and a half.

Mr. DREW. They seek those jobs where they can get overtime work?

Mr. PEARSON. They do; most assuredly.

Mr. EMERY. Mr. Pearson, may I ask, in the State of New Jersey are you generally familiar with the prevailing system of working overtime there?

Mr. PEARSON. I have the honor to be the secretary of the State association, comprising some 3,000 members?

Mr. EMERY. That is, 3,000 employing members?

Mr. PEARSON. Employing builders.

Mr. EMERY. Have you any idea how many men they approximately employ?

Mr. PEARSON. The approximate employment is ten and one-half, we might say, to the man.

Mr. EMERY. It would be about 30,000 men?

Mr. PEARSON. Yes; in the building trades.

Mr. EMERY. Are you able to say from your knowledge and contact with the men in general employment whether they seek or avoid overtime?

Mr. PEARSON. I would emphatically say that they do seek to make, as has been said, a little extra money. A man worked for me several years. Last fall he was offered more money, because he could get work Sundays and nights, and he came home with big pay in his envelope; he left me at \$4 a day to get the higher pay, because he could work more hours.

(Thereupon, at 4.05 o'clock p. m., the committee adjourned until to-morrow, Wednesday, March 4, 1906, at 8 o'clock p. m.)

*Delegates to annual convention, and present at the hearing before Committee on Labor, Tuesday, March 3, 1908.*

*Delaware.*—J. M. Phillips, O. W. Speer, James S. Hamilton.

*Florida.*—David Warrington, Jacksonville.

*Maryland.*—I. H. Scates, John Trainor, Baltimore.

*Massachusetts.*—Herder C. Wood.

*New Jersey.*—Andrew Dickinson, Joseph F. Eilbacher, Alex E. Pearson.

*New York.*—B. D. Traitell, Lewis Harding, Ross F. Tucker, James M. Carter.

*Pennsylvania.*—E. J. Detrick, C. E. Woodnut, E. S. Williams, B. Griffen.

*Tennessee.*—I. N. Chambers.

*Texas.*—M. S. Osborne.

WEDNESDAY, *March 4, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. I. WALTER JENKS, GENERAL MANAGER OF THE BAR AND HOOP DEPARTMENT OF THE CARNEGIE STEEL COMPANY.**

Mr. HAYDEN. Mr. Jenks, will you please state your name and occupation?

Mr. JENKS. I. Walter Jenks. I am general manager of the bar and hoop department of the Carnegie Steel Company.

Mr. HAYDEN. How long have you been connected with that company?

Mr. JENKS. Since 1901.

Mr. HAYDEN. What had been your experience in that line prior to that time?

Mr. JENKS. Since I came to America in 1880—I spent ten years previous to that in the mills in England. I filled almost every position from a boy, sweeping the floor, up to superintendent and general manager; roller, heater, and all the positions.

Mr. HAYDEN. You will continue, Mr. Jenks, and state your attitude toward this bill in your own way.

Mr. JENKS. All I want to say, gentlemen, is as to the inadvisability of passing this bill, and I might almost say the impossibility to us, as manufacturers of steel, of manufacturing steel for the Government under its conditions. I had the honor of appearing before a similar committee in 1903 and 1904 on the same subject. Since then I have talked probably with 50 of our men in all lines—mechanics, subforemen, superintendents, and on up to the president—inquiring how, if a bill of this nature were to be passed, it would be possible for us to operate, and in every case we came to the conclusion that we could not possibly do so. It would either mean a universal eight-hour day, or we should have to, sorry as we might be, decline to bid on Government work. As you take the process of steel at our works, it is simply impossible to work a part of our product on an eight-hour basis and part on a ten or twelve hour basis. Judge Payson spoke here just a moment ago about the impossibility of separating the work of a man working two machines, working on a piece of steel or iron for, say, an ordinary marine engine, and on one for a battle-ship engine. If you take the manufacture of steel (it does not matter where you start), you go down to the man who makes the steel, and you can not subdivide that.

It is the same in regard to running your engine. We have cases where one engineer looks after two engines. One of those engines may be working on Government work for two or three hours, the other not working on Government work at all; so that if you follow it from the most simple positions all the way through to your subforeman, and even admitting that your administration force and your clerical force is exempt, say, if you cut it off there, just your subforeman and all the men all down the line, it is just simply impossible to divide it. I made the statement in 1904 that probably it could be done at an additional cost, but the cost would be prohibitive; it would be out of all reason to attempt to do it, and when you take

into consideration the amount of steel consumed by the Government in comparison with what is used by private interests it would amount to but 3 or 4 per cent.

Then, another thing that has worried us a very great deal is as to where the responsibility would commence and where it would cease. With a great deal of this steel which we sell to the Government under my jurisdiction we take the place of subcontractors. Suppose the inspector reports from a mill in any department of the Carnegie Steel Company that on that product a man worked over eight hours, and a fine of \$5 was imposed; that fine would be charged against the contractor. Then he in turn would have to try to collect from the subcontractor, and it complicates everything. I do not see how it could be done at all.

Mr. PAYSON. Before you leave that point, may I ask you a question?

Mr. JENKS. Yes, sir; go ahead. I wish you would.

Mr. PAYSON. Is it not a fact that in competition among the iron-workers and manufacturers to-day that competition is so close that the margin of profit in the manufacture of what will go into Government work from you as a subcontractor would be so small that it would be no inducement whatever for you to take any contract and assume all these embarrassing positions for the little profit you would make out of it, if there is nothing else in it?

Mr. JENKS. Of course I am not the executive of the company, but personally, no; I would never touch it; could not possibly afford to touch it; it would not only be dollars and cents, it would be the disorganization of the whole system. It is not the case of a few dollars; probably we could afford to present the Government with a few dollars.

Mr. PAYSON. You are not asked to do that, or ought not to be.

Mr. JENKS. But do you not see that it would disorganize the thing from beginning to end? And then another thing: I have a son just come out of college last fall; he is in the engineering department, a boy trying to get along, and he was given a piece of work, to see how he would get it out. The boy took his work home, he got so interested. I do not want you to put a limit on what that boy shall do; I do not want to take the energy out of him, the pride in his work. I have never seen anybody hurt working twelve hours yet; I work a great many more very often, and I started when I was 13 years old at that. Of course it kind of dwarfed my size a little bit, but I got through all right. [Laughter.]

There is one other point I would like to speak of, and that is in both the times I have appeared here I went away with this impression, that the gentlemen around this board felt that a man working in a steel works had to work so hard that he could hardly walk home. We have not got any of those positions left. Years and years ago we did have a few positions that were very hard. To-day that is all done by machinery; it is just a matter of pushing a button for an electric crane, or a lever, or something of that sort, and I guarantee you can not take any line of business—you take a girl standing in a department store, and she is more tired than our men when they go home at night. We may have one or two positions a little harder than others, but the man sleeps well at night, and I do not see that it hurts him; it did not hurt me.

But putting that phase out of it, whether it is better to work eight hours or no, and going right back to the operating of the works, it is just simply impossible. It means, in my judgment, if a bill of that sort passes and is enforced, that either we have to put our works on a universal eight-hour day or the Government must build its own works, for we would have to decline to sell to the Government; not that we would wish to decline, but rather that we could not operate concurrently on eight and ten hours or eight and twelve hours. To fulfill the requirements of this bill we must operate on a universal eight hours. We could not do it. Then what is the Government to do? Attempt to build their own works? It does not mean just the one mill. You see we have to cover a range in the corporation from very small wire up to armor plate and the very largest construction, and one mill could not do that; it is impracticable altogether.

Mr. HAYDEN. Can you state what relation your Government work, both under direct contract and under subcontract, bears to your private work?

Mr. JENKS. That would be pretty hard. Mr. Hunt knows more than I do about the Homestead, but taking the smaller work that goes into rivets and, say, into wagon hardware, harness hardware, and all that sort of thing that the Government buys, I do not think it would go more than three-quarters of 1 per cent; I could almost swear it would not go over 1 per cent.

Mr. HAYDEN. What is the situation among your employees generally in regard to their hours, as far as you know; what is your experience with them?

Mr. JENKS. We have some men who would rather work eight hours and some who would rather not work at all. But you take what I call the decent workman, and I have had this inquiry made once or twice in the last week, put it up to him and say, "Would you rather work twelve hours, as you are now working, or work eight hours with the equivalent rate of wages," and I will guarantee that you would have a 99 per cent vote for twelve hours. Of course, if you would say to a man, "Here you are making \$5 a day at twelve hours, we will give you \$5 for eight hours," I have not any doubt at all the vote would go in favor of eight hours. But taking the relative wage-earning power between eight and twelve hours, I do not hesitate a second in saying that they will take the twelve. In fact, I know cases where they do, and since trade has not been so good I think we could find lots of applications from men who will work twelve hours, and if the man who relieves him does not come on, he will ask to work the next twelve hours, because he has not had full work lately. That would not apply if things were in normal condition.

Mr. HAYDEN. Have you had any experience with your employees working eight hours, as distinguished from working longer hours?

Mr. JENKS. As I reported here in 1904, if I remember right, we had about twelve men then working eight hours. That was on account of the positions being particularly laborious. Since that time we have installed machinery and taken the heavy part of it out, and these men are now working twelve hours.

But in speaking of these same men, the positions you were referring to, or that I referred to, rather, they are roughers on what we



call a small guide mill. There are four men who work the twelve hours at those rolls, and only two men work at a time, so the men come on, and in thirty minutes they are relayed by the other two, and in thirty minutes they are relayed again. Even with that, if one of those fellows gets sick—I know this was a case within the last two weeks, when I was talking with one of our foremen about this, the man, instead of working thirty minutes, went to the foreman and asked him not to send for the other man, because he wanted to do it himself, and that man was not hurt at all. But we put two men on this work for the reason that it is economical for us not to work a man too hard.

Mr. EMERY. How many men do you employ?

Mr. JENKS. I am rather more in an executive capacity now, but under the division that I look after we have somewhere between 5,000 and 6,000 men. You see I am in the general office, so that I do not just know the detail of that. We cover everything from the smallest rod up to the shafting rods. I do not think, gentlemen, that I can say any more. Judge Payson, in that little talk, said a great deal more than I could say, and he was telling it pretty near straight all the time.

Mr. HAYDEN. You were speaking a few moments ago about the effect of such a law on engineers whose work would contribute to the entire plant. What other employments would be similar to that?

Mr. JENKS. An engineer is distinctly a mechanic, of course. Where would you stop? Suppose we furnish a small rivet for the Government. We have a guide that guides that piece of steel coming out of the machine, a piece of iron with a little groove in it. We have a little trouble with that, say, and the boy takes it and runs up to a blacksmith's shop, probably 100 yards away. The blacksmith drops whatever he is working on and fixes that Government order up. We could no more keep track of that than we could fly.

Mr. HAYDEN. Can you mention a number of the employments in your works where the work of the men would go into Government and private work at the same time?

Mr. JENKS. All lines of machinists and subforemen. Mr. Hunt will speak of the steel-producing branches; I am speaking now of what we call the finishing operations. There is hardly a position but what it would affect.

Mr. HAYDEN. Such men as handle during the day all manner of work?

Mr. JENKS. Yes; for instance, the steel works will send us over a 50-ton car of steel. We have a Government specification to fill there of 4 tons. The men picking those billets up off this car throw the 4 tons out for the Government. Now, they have 46 tons to throw out for somebody else. How could you separate that? You could not do anything with it at all; it is impossible.

Mr. HAYDEN. In other words, it would mean a hard and fast eight-hour day throughout your plant?

Mr. JENKS. That is the only way it could be done that I can see, for in this class of work you could not build or put on one side a part of a plant to do Government work alone.

Mr. EMERY. Do you employ a number of draftsmen in connection with the work?

Mr. JENKS. Oh, yes; I spoke of my own son being in the drafting department.

Mr. EMERY. I wondered how many that description would apply to in work on that line.

Mr. JENKS. In our work probably 12 or 14; I do not know just what they have in the drawing room.

Mr. EMERY. You employ more draftsmen than that usually?

Mr. JENKS. Not in just my finishing end of it; if you take the steel works as a whole, then it would be in the hundreds.

Mr. EMERY. Hundreds of draftsmen?

Mr. JENKS. Oh, yes.

Mr. EMERY. How long do they ordinarily work?

Mr. JENKS. Eight and a half to nine hours, but at the same time, when we are in a hurry for anything, I have known them to work until 10 o'clock every night and Sunday as well.

Mr. HAYDEN. What is your experience with the attitude of your employees as to overtime?

Mr. JENKS. We never have any difficulty. We never ask a man to work overtime if we can possibly avoid it, and it is only in a case of sickness or absence of some other employee that we ask them to work overtime; I do not have any trouble at all.

Mr. DAVENPORT. Do you think that if your employees understood that this bill was to cut off from them the privilege of working overtime for overtime pay that they would favor it or oppose it?

Mr. JENKS. They would be very much against it.

Mr. PAYSON. No question of it?

Mr. JENKS. Not a bit of question. A man who is working does not want any restriction. You can make an eight-hour law that will suit some of the fellows you have to have, but he is not worth having; but you take the man who is worth anything and he wants no restrictions; he wants to be let alone. In my judgment, the more you restrict the young fellow, the worse he is. I would not give you 5 cents for the fellow who is looking at the clock to see when his eight hours are up. Those men are always taken care of, and they get all they are worth, and very often a little more.

The CHAIRMAN. About every witness who has been here stated that under an eight-hour law, construed as this is construed here, the concerns which they represent would refuse to take care of contracts. That being true of course the condition that you have suggested would result in the Government having to do its own work. Assuming that a bill was to be passed which would prevent the people who now do this work from taking contracts, would you have any definite idea of how long it would require the Government to get ready to do its own work; that is, when such a bill might take effect with safety to the interests of the Government in that respect?

Mr. JENKS. If the Government could build their works with the same energy that the ordinary private corporation would, which is doubtful, it would take between ten and fifteen years, at least.

Mr. PAYSON. One thing I do not think has been brought out as fully as I would like to have it myself. Take it for the past year and in the immediate present, what are the relations between your corporation and its employees as to the hours of labor and the compensation which they get; are they amicable or otherwise?

Mr. JENKS. Amicable, sir; we have not had a particle of trouble since 1904.

Mr. PAYSON. That is all.

Mr. JENKS. I might just mention this, as to the relation between the employees and the corporation; you might say it is from financial reasons, but I do not know. The first year we subscribed for stock in the corporation there was a little more than half of it turned in; the men had not got the confidence in it, or something of that sort. In 1907, last year, there were 25,000 shares of preferred stock to be subscribed by the workmen, and I understood ten days ago that they had been more than subscribed, and I was notified that I would only get 50 per cent of my subscription, which was limited anyway, and probably not that much; that is the relation between the employees and the corporation.

Mr. HOLDER. Before you retire, would you kindly inform me the full amount of stock that your employees, as workmen, own in the United States plant?

Mr. JENKS. I could not tell you that. I know this, it was computed by one of our auditors the other day that if the corporation ran on at about the same basis that they have, providing the men and their families would hold onto the stock that they subscribe for each year, that in between fifty and sixty years the employees would own the corporation.

Mr. HOLDER. What proportion of the employees own stock?

Mr. JENKS. I do not know.

Mr. HOLDER. Fifty per cent?

Mr. JENKS. You know, that is hardly a fair question; I do not know why you want to bring that out, but I will tell you that you take out your foreign labor, what I might call "transient labor," that works in the yards for a month or two, and maybe goes back to Egypt or some other place, if you take what I consider the American labor, I would say 50 per cent; of course, that is more or less conjecture.

Mr. HOLDER. That would be confined, then, to what you call the skilled and semiskilled, not the unskilled?

Mr. JENKS. There is hardly a stenographer in our building getting \$40 or \$50 but what is getting a share of that stock a year; I know of one case of a girl who is earning \$70 a month who has seven shares, five paid up and two being paid.

Mr. HUNT. There were \$68,600 subscribed for in 1907 at Homestead alone.

Mr. TRACY. Leaving the question of wages entirely out of it, is it it not just as practicable to run the iron mill three shifts a day as two shifts?

Mr. JENKS. No, sir; it is not.

Mr. TRACY. For what reason?

Mr. JENKS. There are quite a number of reasons. For instance, you take an open-hearth furnace; it is going on to-morrow with Government work. They will do their best to get that heat charged up, charge that heat and get the heating made while the one man is in charge of it.

Mr. TRACY. If he does not succeed in doing that in a shift of twelve hours, then the other man comes along and takes that up?

Mr. JENKS. Not necessarily. Before I went with the Carnegie Company I was superintendent of the La Belle Steel Works that

111

morning—the starting time. I always liked to start at 6, but that is optional with the two crews; they can either start at 5 or 6, whichever they like. They start at 4.30; at 7 o'clock—that is, two hours after—they stop work; they stop for thirty minutes; that is, stop the whole mill for that length of time with the exception of fixing up rolls and furnaces. At 10 o'clock they stop thirty minutes, at 12 they stop thirty minutes; net working time, ten hours, but they are in the works twelve hours, and quite a number of these mills, as I say, have spell hands, assistants, so that we keep going on, and when a fellow wants to go and get his lunch, he goes and gets it; but that is a matter of agreement between him and his helper.

Mr. HAYDEN. In relays, in other words?

Mr. JENKS. In relays.

**STATEMENT OF MR. A. R. HUNT, GENERAL SUPERINTENDENT  
OF THE HOMESTEAD STEEL WORKS OF THE CARNEGIE STEEL  
COMPANY.**

Mr. HAYDEN. Mr. Hunt, will you please state your name and occupation?

Mr. HUNT. A. R. Hunt. I am general superintendent of the Homestead Steel Works.

Mr. HAYDEN. How long have you been connected with that company?

Mr. HUNT. Nearly twenty-one years.

Mr. HAYDEN. In what different capacities?

Mr. HUNT. In the capacity of a roller, a mechanic, subforeman, foreman, and in the present capacity.

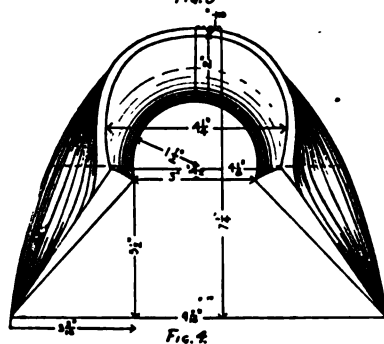
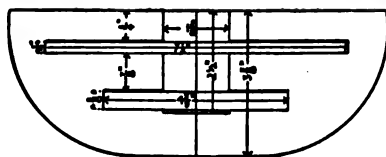
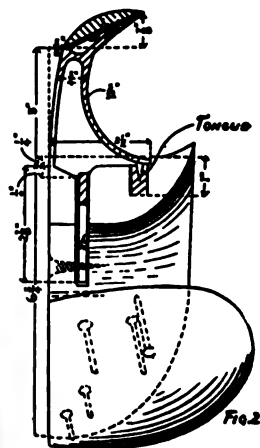
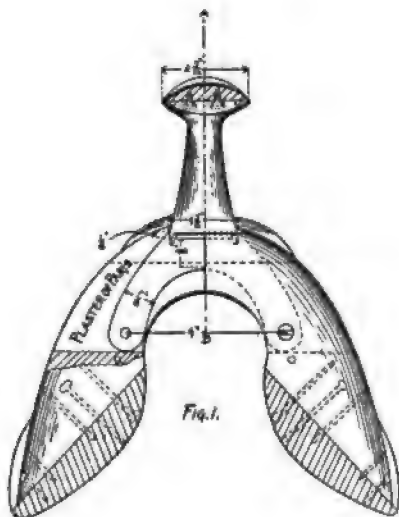
Mr. HAYDEN. Will you state, in your own way, Mr. Hunt, your attitude toward this bill and its application to the work under you?

Mr. HUNT. We have employed at the Homestead steel works about 10,000 men. Our output last year was 120,000 tons per month, of which about 3 per cent was for the Government.

The CHAIRMAN. How many men did you say you have?

Mr. HUNT. Accurately, it is 9,786, but call it 10,000. Three per cent of this tonnage was for the Government. There are three requisites in our product—first, quantity; second, quality, and third, cost to manufacture. We are opposed to this compulsory law, first, because we could not make the necessary quality to meet Government requirements on a strict eight-hour day. I might explain that in the making of steel, iron, scrap, and alloys, they are charged in an open-hearth furnace. It requires about twelve hours to make a heat. The critical work at a particular time is such that should you change your turn, one crew going off and another coming on, the one coming on not knowing exactly how the furnace was working, the chances are the heat would be spoiled. There is a crane, after this heat is tapped in a ladle, that picks it up and carries it to a mold, where it is poured into an ingot. This crane is an expensive one, costing, perhaps, \$20,000 or \$25,000, and if it worked on Government work alone, it would work, perhaps, two hours out of the day. But it lifts the Government heat and takes care of that and goes back and lifts a heat of marine steel, and it would be impossible to divide the time between Government work and the other work. There is a crew in the yard making up these heats, and they will make up a heat of steel for the Government.





FORK AND HORN  
OF  
QUARTERMASTER'S  
RIDER'S OR WAGON  
SADDLE.

Fig. 1. Rear view of Fork showing size, fittings and fastening of the Fork and Horn.

Fig. 2. Cross section of Fork and Horn at A-B.

Fig. 3. Top view of Fork showing parts cut out to receive the Horn and tongue of sycamore.

Fig. 4. Front view of Fork showing shape and size.

Mr. PAYSON. What do you mean by making up?

Mr. HUNT. I mean selecting the stock, putting it into buggies, or boxes on buggies; it is then run into the open-hearth furnace, where it is molded into steel. The engineer who hauls this stuff in would, perhaps, work fifteen minutes on Government work and the balance of his time is on other work. If the crane man, in lifting an enormous ingot, is up in the air probably 50 feet, and his time is up, the limit for stopping is up, how is he going to get down and another man go up there and finish his job and go on with the work? You might ask, is not that true with the twelve-hour shift? That is true, but if we are going to have trouble, we do not want to multiply it by three instead of two.

Mr. HAYDEN. He is not obliged to come down under the twelve-hour system; he can go right on and carry the ingot where it is to go without being relieved?

Mr. HUNT. Yes, sir; he is not obliged to come down until he has poured that particular heat.

The CHAIRMAN. As a matter of practice, he does not come down, does he?

Mr. HUNT. Yes; he comes down at the end of the twelve hours, but understand that the most of these heats are made on the twelve-hour turn; that is, the heats are charged, most of them, and especially for the Government, especially the heats that require the alloy. The specialty is all made in the twelve-hour turn, and it could not be made in an eight-hour turn.

That heat then goes to the rolling mills, and it is put on a mill and rolled into a plate. The plate is partly finished. That roller and his crew are obliged to finish it. A new man comes on, and it is impossible for him to tell all of the conditions of that roll. I might explain that in a rolling mill the rolls will wear hollow in the center. This piece that they are rolling must be rolled to weight, which means that the edge of the plate must be rolled thin enough to get the required weight. The man coming on does not know how much that roll has worn; he could not possibly roll that to weight. Hence that piece is spoiled. It goes on into the tempering shop, and there the operation is so delicate that it would be impossible for two crews to handle one plate; they could not do it.

Mr. HAYDEN. And would it not also be impossible, in such a case, where one man took up another's work, to place responsibility for failure or the spoiling of material?

Mr. HUNT. You could not place the responsibility. If the open-hearth crew was to leave the work unfinished and it should not be right chemically, you could not tell whether the first man was to blame or whether the man who followed him was to blame; you could not place the responsibility by any manner of means.

We are opposed to this bill, secondly, because of quantity. More tonnage can be made in twenty-four hours, divided up into two shifts of twelve hours, than can be made if divided into three shifts of eight hours each. This was demonstrated several years ago in our plate department at the Homestead mills, which was operating on an eight-hour shift. This was changed to twelve hours, and the output was immediately increased 35 or 40 per cent without the outlay of \$1 for improvements.

Mr. HOLDER. What date was that?



Mr. HUNT. It was back in 1893.

Mr. HAYDEN. And you have not tried the experiment since?

Mr. HUNT. No, sir; we have not an eight-hour man in our employ at the Homestead steel works.

Mr. HOLDER. Had you been running eight hours previous to 1892?

Mr. HUNT. In two or three departments.

Thirdly, we are opposed to this proposed law because of cost. If the turn is changed at a critical moment, as I explained before, it would be impossible for the men coming on to take up the work as laid down by the men going off the turn. This, of course, entails enormous cost and outlay, which we feel when the manager gives an account of the cost of his operations.

As I explained before, during certain stages it is not all so critical, but during certain stages each heat of steel and each plate is handled individually, and it must be necessary for one man or one crew to finish one operation in order to obtain the highest grade of efficiency. It was intimated a few minutes ago that the man could do better work, more work, if he only worked eight hours a day; that has not been my experience at Homestead. I have been a workman; I know something of their trials and tribulations, and I know that the man working twelve hours will do more and better work the last two or three hours of the twelve than he will do in the first two or three or four hours. There is something—I can not explain it, I have never heard it explained—but it is a sort of getting together, or sort of desire to get out of the day's work all there is in it, and in the latter part of the turn the men work together better, for some reason, and they will get out more tonnage, and they will do better work in the last two or three hours than they ever do in the first hours of the twelve-hour shift. This is also true, that they will do more and better work the last hours of the night shift. I can not explain why it is, but it is true. I do not know that I have anything further to say.

Mr. HAYDEN. Mr. Hunt, on the question of armor plate, you manufacture armor plates for the Government for its vessels?

Mr. HUNT. Yes, sir.

Mr. HAYDEN. What per centage is that of your tonnage output, roughly speaking, if you can not state positively?

Mr. HUNT. I can give you the figures. Our average output is 1,100 tons a month out of 20,000 tons.

Mr. EMERY. Could you say what the percentage of the armor plate you make for the Government is in comparison with the total amount made for public use?

Mr. HUNT. Do I understand you to ask the total amount manufactured that is accepted?

Mr. EMERY. What percentage made for the Government do you manufacture?

Mr. HUNT. I could not tell you.

Mr. EMERY. Even approximately?

Mr. HUNT. I know that at Homestead it is about 3 per cent of our output.

Mr. JENKS. I think it is about one-third, as I understand.

Mr. HUNT. At a former hearing there was a question brought up, whether the owner could work on his own work as long as he pleased. As has been brought out, there are about 1,500 new subscribers to stock at the Homestead Steel Works, ranging in the number of shares

from 1 to 12 or 15. If the shareholder has a right to work on his own work—the owner—what is this bill going to do? What is the operation of this bill as far as that man is concerned? You can not curtail a man's personal liberty. You said a few moments ago, Mr. Chairman, you can not say how long a man shall shove a lawn mower.

The CHAIRMAN. I do not mean to answer that question legally, but I suppose Judge Payson would say that a man who is a stockholder in a corporation was still an employee when he is on its pay roll.

Mr. HOLDER. What voice do you stockholders have in the management of the concern?

Mr. HUNT. The voice that any workman has in the management of the concern he works for—by being loyal and true to the interests of the company. He is then loyal and true to his own interests. Other than that he has no voice in the policies or management of the company.

Mr. EMERY. Do you mean, Mr. Holder, as an employee or a shareholder?

Mr. HOLDER. We mean as a shareholder.

Mr. HUNT. He has a vote in the stockholders' meeting, to be sure.

Mr. EMERY. He has the same voice in the corporation as a shareholder has, just as Mr. Corey has?

Mr. HUNT. Just the same.

Mr. NICHOLLS. In case the concern made a contract with the United States Government, would he not also be a party to the contract?

Mr. HUNT. In that sense, yes, in the sense of every other shareholder.

Mr. NICHOLLS. And therefore would have agreed already not to work more than eight hours a day?

Mr. HUNT. No; I do not look at it that way.

Mr. NICHOLLS. Suppose the contract says that that is all the hours per day that shall be worked?

Mr. HUNT. If you should take a contract with the Government for work which you could do yourself, personally, would you feel bound to abide by the letter of the law when it says that no one shall work over eight hours?

Mr. NICHOLLS. I have asked you that question.

Mr. HUNT. I do not think they would be.

Mr. NICHOLLS. If you made a written contract, would you not feel bound by it?

Mr. JENKS. The employee would not know anything about that contract?

Mr. HUNT. Outside of the office, I do not suppose the contract is known to the men or to the employees at all.

Mr. HAYDEN. From your experience among them, what do you suppose would be their attitude on that point?

Mr. HUNT. My experience among the men has been very intimate; I am personally known, I suppose, to 75 or 80 per cent of our employees. I do not think that if the question was submitted to the employees, there would be one minute's hesitation in their all voting in favor of the twelve-hour shift.

Mr. DAVENPORT. If your men knew that this bill proposed to deprive them of the privilege of working overtime for overtime pay,

would they not resent that, or any such law which would strip them of that privilege?

Mr. HUNT. If there was only one word that was stricken out of that proposed law, I think they would possibly vote for it, but we would still continue to work the twelve-hour shift.

Mr. PAYSON. What is that word, "permit?"

Mr. HUNT. "Permit."

Mr. PAYSON. Take the law as is it stands, as contemplated in Judge Davenport's question, providing for an arbitrary eight-hour day without any permission to work overtime, what, in your judgment, would be the expressed opinion of your employees as to that law?

Mr. HUNT. From personal questioning I am positive that they would choose the twelve-hour shift.

Mr. PAYSON. That is, be opposed to the bill?

Mr. HUNT. Yes, sir.

The CHAIRMAN. On what theory do you think they would probably vote for it if the word "permit" were stricken out?

Mr. HUNT. Because then they would be permitted to work the twelve hours.

Mr. PAYSON. And they would do it?

Mr. HUNT. They certainly would do it.

Mr. NICHOLLS. What would be left of the real intention of the measure if that were stricken out?

Mr. PAYSON. That is too plain.

Mr. HUNT. The question of hard manual labor has been touched upon, and I do not know that I can make it any plainer than has already been done. We have hundreds of positions that are occupied by men who do not work very hard. You would naturally suppose that a roller was a very hard-working man, but to-day he is not. Our men at Homestead work on an average of nine hours and fifteen minutes per day; the balance of the time is put in watching for steel to get hot, the other man doing the work, as in one of our departments we have about 500 men, and all of the hammer men, every one of them, only works half the time. We have two crews; one crew will work thirty minutes, go out doors, read the paper, play ball, or anything else, and the other crew works the other thirty minutes. The work is not hard. A man can stand the twelve-hour work without any inconvenience to himself, if that feature was brought out, we will say. Of course, he has to be on duty. It is not hard, manual labor at the steel works to-day. Years ago men could not stand it.

Mr. HOLDER. What system do you have of drawing your sheets out of the rolls in your mills?

Mr. HUNT. We have a large electric crane that charges the steel at the furnace, draws it, and puts it on the rollers in the rolling mill.

Mr. HOLDER. The men do not have to drag it out?

Mr. HUNT. No; the heater goes, perhaps, as near the furnace as you are from me, his helper perhaps the same distance. After the heat has been brought to the proper temperature, this man will run a machine; he goes up in front of the furnace, and a boy, perhaps 100 feet away, touches a button, and he takes the heat out and runs it to the mill and it is rolled into plates.

Mr. HOLDER. How many men are there in that crew?

Mr. HUNT. One man; that is, one man on this machine. The heater has a crew of himself and helper for about four heating furnaces.

Mr. HAYDEN. How long does your skilled labor stay with you, as a rule, if you have figures on that point, on an average.

Mr. HUNT. I have no accurate figures. We have at Homestead men who are getting to be 60, 65, or 70 years old who have been with the company, not at Homestead, but who have come there from other departments at Braddock and those places, and they are active, strong men, yet they do not fill positions as heaters or rollers or anything of that kind. I can not recall one case where a man has entirely broken down in health due to working at the Homestead Steel Works.

Mr. EMERY. How long did you say some of these men have been in the employ of the company?

Mr. HUNT. We have several men in the employ of the company who have been there thirty years.

Mr. EMERY. That is, skilled mechanics?

Mr. HUNT. Yes, and we still retain them.

Mr. EMERY. Shopmen?

Mr. HUNT. Yes, sir. Most of the older men are employed as helpers and in cleaning up the works. We provide for them in their old age as well as we can.

Mr. PAYSON. I would like to ask the same question I asked Mr. Jenks, so as to have a concise answer. What is the relation between your corporation and its employees upon the general subject of the hours of labor and wages which they are getting, amicable or otherwise?

Mr. HUNT. Amicable, in every sense of the word. I do not know of a single case where the men are feeling aggrieved. If they are, they do not demonstrate it, and we surely would know of it if they were.

Mr. HAYDEN. It has been suggested that you might give your views on the point of how far the term "laborer" or "mechanic" would apply to your employees?

Mr. EMERY. Especially the term "mechanic."

Mr. HUNT. There are, I suppose, about 40 per cent of our employees who are common laborers; 10 to 15 per cent are mechanics, roughly speaking. I have not the accurate figures.

Mr. EMERY. Would it be perfectly clear in your mind, Mr. Hunt, where the term "mechanic" applied to your skilled labor in this bill?

Mr. HUNT. Yes; the term "mechanic" applies to all machinists, boiler makers, carpenters, pattern makers, and everything of that kind who would be affected by this bill, because a great many of them work on the finishing end of a Government job.

Mr. HAYDEN. And it would unquestionably apply to the crane men, of whom you spoke?

Mr. HUNT. Undoubtedly.

The CHAIRMAN. And the draftsmen?

Mr. HUNT. Yes, sir. We have from ten to fifteen draftsmen working in the armor department alone. The works employ about 50 draftsmen.

I would like to ask what bearing this law would have on the Carnegie Steel Company, or any other steel manufacturer. Would they be amenable to this law if they purchased alloys in Canada and in

Europe or in Asia, from all over the world pretty much? Would we be amenable to the law if it were proven that the company furnishing these alloys has worked more than eight hours a day?

The CHAIRMAN. Alloy is a manufactured thing, is it—the metals which you used for alloy?

Mr. HUNT. It is certainly a manufactured article.

Mr. PAYSON. What is an alloy, so as to get it in the record?

Mr. HUNT. I mean if you take a heat of steel, put into that a certain percentage of nickel, chrome, tungsten, vanadium, or anything of that kind, then it is an alloy.

Mr. PAYSON. The product is an alloy?

Mr. HUNT. Yes.

Mr. PAYSON. Are nickel, chrome, tungsten, and vanadium original elements that are gotten as ores are gotten, simply dug out of the ground?

Mr. HUNT. They are gotten out of the ground simply as iron ore is.

Mr. PAYSON. Do they come to you that way?

Mr. HUNT. No, sir.

Mr. HAYDEN. In other words, you buy them manufactured to that extent in which you use them?

Mr. HUNT. They come manufactured, ready for us to put into the steel.

Mr. PAYSON. Following that subject further, the alloys that you buy, are they recognized in the specifications for Government work so that the special elements making up the alloy which you buy and which comes to you as a finished product, have to stand a certain specification?

Mr. HUNT. The specifications require that the armor plate must stand certain requirements. To meet them we are obliged to put in the alloy.

Mr. NICHOLLS. Can you not buy nickel in the open market, and copper, and all the other metals that go in to make the alloy?

Mr. HUNT. What do you mean by "open market?"

Mr. NICHOLLS. Send to a manufacturer, or to a smelting company, and say you want so many pounds of nickel or so many pounds of copper, and so on.

Mr. HUNT. There is but one firm in the United States that I know of where you can get vanadium, for instance. You can go and buy that vanadium, the armor-plate manufacturer can buy it, or anybody else can buy it; would you call that an open market?

Mr. NICHOLLS. I would call it an open market; yes, sir.

Mr. HUNT. Then armor plate is in the open market, because you can come down and buy as many tons as you can pay for.

Mr. NICHOLLS. Then, according to my construction of an open market, you buy those metals for your alloys from foreign countries; is that correct?

Mr. HUNT. A great many of them; yes.

Mr. HAYDEN. They are, to some extent, manufactured, are they not, before you get them?

Mr. HUNT. Yes, sir; they are found in shape in oxides and reduced to metallic alloys; the nickel is found in the form of an oxide, and they all are. Then it comes to us in the form of metallic nickel or metallic tungsten.

Mr. JENKS. When you specify for a certain tungsten or any other alloy, do you not specify what grade you need?

Mr. HUNT. Yes, sir; we specify what percentage of tungsten or vanadium.

Mr. PAYSON. How is that made, as a rule; upon your order?

Mr. HUNT. Made?

Mr. PAYSON. Yes; by the manufacturer of that alloy; upon your order?

Mr. HUNT. I do not know that it is in every instance. I know that nickel is made especially for us; I know that vanadium is made especially for us.

Mr. PAYSON. That is right.

Mr. HUNT. But I do not know that tungsten is; I am not positive about that.

Mr. EMERY. In those things you speak of, those things are made for you just as you make the armor for the Government?

Mr. HUNT. Yes; in that broad sense.

The CHAIRMAN. Answering your question, Mr. Hunt, I should say, in my opinion, that those are articles which you buy in the open market. These gentlemen have a different view; it is something on which we have not agreed.

Mr. PAYSON. And under the different views the poor manufacturer has to stand up and take his chances.

Mr. HUNT. If that is true, then armor plate is in the open market, because you can come down to Pittsburg and buy all the armor plate you want if your pocketbook holds out.

Mr. RAINEY. Do you make it according to specification furnished by the Government?

Mr. HUNT. We make it to a physical specification and a ballistic test.

Mr. RAINEY. And the Government requires that?

Mr. HUNT. Yes; the Government requires that.

Mr. RAINEY. Do other Governments require the same thing?

Mr. HUNT. I think they do; perhaps not so rigid a test as we are subjected to.

The CHAIRMAN. This morning, during the examination, Mr. Nicholls asked what would be the effect of the bill, or what would become of the bill—I do not remember the words—if the words “or permit” were stricken out of it, and Judge Payson answered that that was “too plain,” and it went off with that. Right there I think that I ought to say, having been associated with this bill, that I differ from the opinion that seemed to be expressed. I have never been right sure that those words in the bill have a particle of effect, except an administrative effect, on the law or the construction of the law, assuming it were a law. In other words, whether under a statute like that it would not be held that a ten-hour regulation or a twelve-hour regulation to which a man must conform of course if he keeps the job and works on that basis would not be required within the meaning of the law. I have not very much doubt about it. I doubt if the words have any legal effect.

Mr. PAYSON. You can see, then, how easy it would be to defeat the evident intention of the law, namely, to restrict the hours of labor to eight hours with that word “permit” left out.

The CHAIRMAN. I can see that it would make a difference in administration perhaps, but I doubt whether it has any legal effect.

Mr. PAYSON. That goes to show how gentlemen will differ. I have no more doubt than that I am sitting here that if those words should be stricken out I could prepare a plan for the workmen so that every man could work as long as he pleased, and there could not be a dollar of penalty collected. That is simply a difference of opinion.

The CHAIRMAN. In saying that, do you mean to say any more than that you could devise a technical evasion?

Mr. PAYSON. I would not call it a substantial compliance with the law itself. Without going into details and speaking just on the threshold, on the impulse of the moment, we make a contract with the men requiring them to work eight hours a day; that would be the limit of their day's labor so far as the requirement was concerned, but we would offer them the option of overtime just as every union permits, except one. I do not mean to say that in our plan we would give ten hours' pay for eight hours' work, but a reduction in the price of labor corresponding to the reduction in the time, and then an agreement to work overtime for a nominal amount, a time and a half or double time.

The CHAIRMAN. I should think that the evasion would be rather a delicate experiment.

Mr. PAYSON. I do not think so.

The CHAIRMAN. You would have to consider the kind of thing touched, to wit, a man's labor, his job; as to whether the thing was not devised in a way that it would practically amount to a requirement; would be so delicate that I should hesitate a very long time before I would have anything to do with it.

Mr. DAVENPORT. Suppose the men petitioned that they would like to make overtime on this job and the boss said, "All right; go ahead." Would not that be a violation of the law?

The CHAIRMAN. I will answer yes, with the remark that if it should be shown by a trial that that petition was brought about by influences which we could readily imagine we would still be up against the question whether that was tantamount to a requirement.

Mr. DAVENPORT. Would it not be voluntary?

The CHAIRMAN. In the way you stated; yes, sir.

Mr. DAVENPORT. It would be a violation of the law?

The CHAIRMAN. No; it would not be.

Mr. DAVENPORT. Exactly the reverse was held in Kansas. It was shown that the men asked for the work, and the court said that that was a violation of the law, and the Supreme Court of the United States held that.

The CHAIRMAN. That would all turn on how that statute reads.

Mr. DAVENPORT. That had these very words "or permitted."

The CHAIRMAN. Yes; but we are discussing what would be the effect of the bill with the words stricken out.

(Thereupon, at 3.45 o'clock p. m., the committee adjourned until tomorrow, Thursday, March 5, 1908, at 2 o'clock p. m.)

SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Thursday, March 5, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. ROBERT J. DAVIS, OPERATING MANAGER OF  
THE AMERICAN BRIDGE COMPANY.**

Mr. EMERY. Mr. Davis, will you state your connection with the American Bridge Company?

Mr. DAVIS. Operating manager of the eastern division, which includes all plants east of Pittsburg.

Mr. EMERY. About how many plants are operated by the American Bridge Company?

Mr. DAVIS. About 16 active plants.

Mr. EMERY. Can you give the committee an idea of their extent by stating the location?

Mr. DAVIS. From the New England States to the Central West.

Mr. EMERY. In what cities are they?

Mr. DAVIS. They are located in Chicago, Milwaukee, Minneapolis, St. Louis, Toledo, Canton, Detroit, Pittsburg; Ambridge, Pa.; Buffalo, Albany; Portland, Conn.; Brooklyn, N. Y.; Trenton, N. J.; Philadelphia, Pa., and Wilmington, Del.

Mr. EMERY. What, approximately, is the amount of labor employed by the American Bridge Company?

Mr. DAVIS. From 15,000 to 20,000 men.

Mr. EMERY. And they are especially engaged in what?

Mr. DAVIS. In the fabrication of structural steel.

Mr. EMERY. Are you probably the largest producers of structural steel in the United States?

Mr. DAVIS. Yes; by a good percentage.

Mr. EMERY. It is probably true that you supply, both in public and private construction, most of the structural steel, or the greater part of the structural steel, in use?

Mr. DAVIS. In use, yes; a greater percentage of the structural steel.

Mr. EMERY. You also conduct an erecting department, do you not?

Mr. DAVIS. Yes; for the erection of such structures as we have contracts for.

Mr. EMERY. Would you supply structural steel in Government buildings?

Mr. DAVIS. Yes; your Office Building for the House of Representatives and various other structures in times gone by; also for the Philippines, for that matter; your coaling stations in the Philippines at the present time; both export and domestic work.

Mr. EMERY. What was that about the Philippines?

Mr. DAVIS. We are now constructing, through J. D. White & Co., of New York, the structural steel for the Philippine coaling stations.

Mr. EMERY. How many stations?

Mr. DAVIS. I can not say that; but one I am sure of—one large one.

Mr. EMERY. You have read and examined the proposed House 15651 from the standpoint of a practical business man ~~on~~ your line of industry, have you not?



Mr. DAVIS. Yes.

Mr. EMERY. Will you kindly state to the committee your views of that bill?

Mr. DAVIS. From the standpoint of the fabrication of structural steel the bill is absolutely impossible to be complied with, and it is unnecessary for me to say, in connection with that, that it comes principally as a protest. If such articles could be bought in the open market, if we considered that our product could be purchased in the open market, we would not make any objection to the bill, but our product can not be purchased in the open market.

It might be well for me to explain why I say it is impossible to fabricate structural material under the provisions of this bill. In the first place, structural material has many preliminary processes before it is finished. For instance, leaving out the drafting of it after the plans have been completed, we have to make templets, or what would usually be called "patterns," the same as you would make a pattern for a dress, although this is a pattern for the design of the structure you desire.

Mr. PAYSON. Before you leave that, this templet is complete as to the shape that the metal is to be, and also as to the necessary borings for fastening to its corresponding fixture?

Mr. DAVIS. Absolutely every connection and detail which later may enter into its fabrication, so far as the location of the hole is concerned, to absolute perfection, not a sixty-fourth of an inch variation; we do not allow any variation. From there it goes to the laying-out department. This templet is placed on whatever piece of material it may be, from 6 inches to 60 or 80 or 90 feet in length—that is, with a center prick upon it, you take the templet and mark distinctly on this iron where it is to be later drilled or punched. After that operation it goes to the punchers, and it is there punched wherever it is indicated, or sheared, scarfed, or whatever may be necessary is done. From there it goes to our assembling or fitting-up departments; there it is assembled. These various shapes and sizes of structural steel are made on one principle; they may be a truss or column or girder or shoe or any one of the numerous structural productions. After that it goes to the riveting department, and there it is riveted up. Then it goes out into the yard for finishing, painting, and loading.

To show how preposterous it would be to consider a provision of this kind in a plant of this kind, or in a shop where fabrication is carried on, I will go into it a little more particularly. For instance, if we were to run a structure like the office building of the House of Representatives, which makes it necessary for our field force to be kept in operation, as to the building and laying operations, to do that right we must run it through constantly. We take one story at a time and run the columns and girders and all constructions through. You can see that if we were to run eight hours and do that and from fifteen up to forty jobs in the shop at the same time, it could not be accomplished for this reason; we would be following along with a girder for the Government suspended on a riveter; the whistle blows, the crane boy leaves his crane; here is a valuable piece of mechanism, but he leaves this girder suspended. We do not have double turns, therefore you can see how preposterous it would be. He can not lower it; he leaves, with the possible expense of having the thing drop

and destroyed, or even killing some one. Suppose we had one of those girders on a planer and it came to 4 o'clock in the afternoon; he would have to stop that right where it was; he could not take that piece off the machine and go on an additional hour, because he had taken eight hours. By the time he would have taken that off the machine and placed another on, the hour would be up. It is from an economical standpoint; it means the stoppage of everything that comes behind it. We must run a thing in 'sequence right through the shop.

To show you another thing, supposing we were painting in the yard and it came along to the time that he should stop on this Government work; we were using a certain kind of specified paint on that work. This paint is, perhaps, of a different pigment, a different mixture, a different color, than on any other work in the yard. Does he stop with this half painted, walk back to the oil house, and fill his cans with something else? We can not allow him to do that; we can not lose that time. Go from there into the loading. We are loading a car with material. We have limited yards; our yards being limited, we have two cars, or three, and we are loading this material. The time comes when we have to stop. Do we pull these cars out of the yard, perhaps wait on the railroad company, or will we let them lie in our yard at a great cost to us? No, we will not take Government work; it is utterly impossible; if we let the cars lie, there is the demurrage which accrues.

I think that will cover our operations, so far as the shop is concerned, and show you really how impossible it is to work under such a restriction. I might show further, while we keep an accurate time from the standpoint of piece work as to what a man does in his nine or ten hours' work—he may punch 5,000 holes on Government work—how would we determine whether he punched that in seven hours or in nine hours, depending on the classification of the work? Further, we base this time keeping on a day's work. Supposing we base it on 3,000 holes. Supposing that man is able to do 5,000; would you say he worked overtime because he did more than that? It comes to a personal equation, and the man who has any strength of character, or what you call a "good laborer," would give us no trouble. As an illustration, before I came to this company they had passed an order by which the men were to receive the same compensation for nine hours that they did for ten. I had not been with the company six months before I had petitions from many of the shops through the managers requesting me to let them work ten hours.

The CHAIRMAN. On the basis of the nine-hour unit?

Mr. DAVIS. Naturally. That is a simple proposition, because reducing it to nine gave them approximately a 10 per cent increase on that basis; working ten hours, you can appreciate the increase in the wages. I said, "No." The instructions had come from above, but I compromised by letting them work ten hours a day and working half a day on Saturday.

Mr. EMERY. Do we understand that those petitions originated spontaneously with the workmen?

Mr. DAVIS. Absolutely so. My idea was to continue six days in the week at so many hours. We leave it to the men now whether they will work nine hours a day for six days, or work ten hours and to noon on Saturday, and we have not a plant in the eastern division,

which I represent, which does not work, just I told you, ten hours per day.

Mr. EMERY. Just there, may I ask what are the general relations between your employees and the company, pleasant or otherwise?

Mr. DAVIS. The general relations are pleasant. I will give you an illustration. About two years ago, when the employees in all the structural shops in New York and Brooklyn struck for more wages and different hours, the Brooklyn plant was the only plant that not a rivet boy left. They called it a scab shop, and there was not any pressure put on them. One riveter said, "Hell, we know when we are used right. I am making \$4 a day for piecework, and I never made that before. We are not going to strike; we know when we are satisfied." It is as plain as the nose on your face that if we use a man that way the great employers in this particular line of work in the United States know they must use their men the same or they will get the scum of the trade and we will get the best, and what is the consequence? They can not produce the goods and will not be in competition. It is easy to see that, because it means that one person must follow the other.

Further on in the bill it says, "For such materials or articles as may usually be bought in the open market." I maintain that you can not purchase fabricated structural steel in the open market, as I interpret this. I understand what you can buy in the open market. You could buy a 37 coat or a 7½ shoe, a commodity that is in the market for sale, but we are not clairvoyants enough to locate what particular composition appears in a rivet or the Government requirements of a chattel or anything of that kind; neither are we clairvoyants enough to have a twelve-story building ready to build on a lot about 100 by 200 by 15 feet, like the Flatiron Building, approximately. If it were a commodity, if it were a thing you could usually buy in the market, you could do that. You can not to-day go to any place in the United States and buy a beam that will fit across that space [indicating], with its connections. You can buy the beam, because it is in the open market, and cut it the length, but when you come to figure the strength necessary to carry that weight, to know what sized beam and the proper connections to go with it, you can not do it. It is not in the market, gentlemen.

The CHAIRMAN. Let us see what your idea is. You used the illustration of the coat?

Mr. DAVIS. Yes.

The CHAIRMAN. You would hold, then, under your construction of the bill, that if you were measured for the coat—

Mr. DAVIS. No; I would not. I would hold a commodity in the open market that usually can be bought or purchased by going to the store and purchasing it. I do not hold that when you find that you can not get a pattern to suit you and you go and buy a piece of cloth to your liking and the trimmings and the buttons, you can buy the materials in the open market, but you can not buy the coat. You have to have it made to your specifications.

The CHAIRMAN. It seems to me you have said what I was coming to, that if you have to get measured for your coat and it is made according to your measurement, that it ceases to be an article which you could buy in the open market.

Mr. DAVIS. That is my construction

Mr. EMERY. I want to ask, in connection with that, would the chairman consider that the steel ribs of a ship or war vessel made to order for that particular ship could be purchased in the open market within the terms defined?

The CHAIRMAN. We will come up to that. That will depend upon some facts when we get the record. From my recollection of the facts which have been stated about steel beams, I should hold that they could, but I may be wrong about that. Then if you hold that the coat made to a measurement ceased to be an article which you could buy in the open market, going to a lumber yard and sawmill combined, run by the same proprietor, and ordering the stuff cut for a hip roof, under your construction of the bill, because the lumber was to be cut in lengths and with angles to enter into a hip roof, that ceased to be an article which could be bought in the open market?

Mr. DAVIS. Would you be buying the lumber or buying the construction for the hip roof?

The CHAIRMAN. We are buying an article, to wit, lumber, which is cut to conform to particular specifications, from our standpoint.

Mr. DAVIS. My own construction of that—although I do not know anything about the lumber end of it—would be that if you went to buy lumber and bought it in the lumber yard, you would buy it in the open market, but if you furnished designs to a man who, in connection with his lumber yard, ran a fabricating plant, you would not be ordering lumber, but you would be ordering the roof truss.

The CHAIRMAN. What construction would you give to the words "whether made to conform to particular specifications or not?"

Mr. DAVIS. I could not say that without seeing the specifications. If I saw the specifications, I would be willing to immediately give you my reply, but I can not do it under those conditions except as I have already stated. If you purchase a roof truss, it is one thing; if you purchase the lumber for it, that is another thing. The lumber is in it, but you are paying for the fabrication of that to cross a certain span.

Mr. DAVENPORT. By any other construction than you put upon it, a ship would come within the exception, because it is made of wood, iron, steel, brass, which could be bought in the open market, but it is all fabricated and could not be bought in the open market.

The CHAIRMAN. Are you stating a conclusion or asking a question?

Mr. DAVENPORT. That was a kind of suggestive question.

Mr. DAVIS. May I answer, Mr. Chairman?

Mr. DAVENPORT. I will ask it in the form of a question.

Mr. DAVIS. Personally, I do not think you can buy a ship specified in the open market; it must be built.

Mr. DAVENPORT. No, but you can buy the materials.

Mr. DAVIS. Yes, you can buy the materials, and you can build the ship to specifications.

Mr. EMERY. Would you consider that a fair parallel, Mr. Davis? Is not the structural steel supplied to a building made for that particular building, just as much as the structural steel supplied to the frame of a ship?

Mr. DAVIS. Just as much.

Mr. EMERY. It would not fit any other structure?

Mr. DAVIS. Not if your ship is designed a little wider, a little longer, or a little deeper.

Mr. EMERY. Take, for example, the buildings you have referred to, the Senate or House office buildings here; as a matter of fact, is not the structural material for them all made and ordered for each particular building?

Mr. DAVIS. Absolutely so. Each particular floor is strained. I mean by strained that it is figured to carry so much weight per foot between certain spans. If your building were six stories high, the lower columns would not be the same as they would be if it were twelve stories high, for the reason that you have to strain that higher; you have to put more square inches of metal in it, alive and dead loads have all to be taken into consideration, so it would be practically impossible to carry anything of the character in stock.

Mr. EMERY. It is not possible to carry anything in stock for a building of that character, with the required tensile strength, shape, and dimensions?

Mr. DAVIS. It is absolutely impossible. We can not say where the Government is going to buy a piece of ground, in San Francisco or New York, until such time as it has been purchased and the architect has worked out the design, and then the structural steel must be furnished, considering the strains necessary, according to that architect's design, to sustain that building and what it carried.

Mr. EMERY. That is equally true of a bridge or a viaduct?

Mr. DAVIS. Yes; for instance, you would not take this Manhattan Bridge in New York or these other structures that take three or four years for completion as articles in the open market, something which the greatest brains in the country have to work on to develop. A span of 50 feet and a span of 400 feet have as much difference in metal as day and night. The same proportions in the 50-foot span would fail in the 400-foot span.

Mr. NICHOLLS. Is it your claim that if the Government ordered from you certain amounts of steel and specified the size and shape, weight, and all of that, that under this bill you would be compelled to work all the men connected with producing that material but eight hours a day?

Mr. DAVIS. That is my construction of the bill, that in structural steel and fabrication I can not work any man over eight hours a day.

Mr. EMERY. On the subject-matter of a Government contract.

Mr. DAVIS. On the subject-matter of a Government contract.

Mr. NICHOLLS. I do not know whether you understand me. You simply furnish this material to the Government.

Mr. DAVIS. Yes.

Mr. NICHOLLS. Under a contract with the Government?

Mr. DAVIS. Yes; I take the bill that you can not work over eight hours a day on Government work, or that no person connected with the work can work over eight hours a day.

Mr. NICHOLLS. Even though you were simply furnishing that to order, to supply certain beams and other pieces of steel to a contractor doing work for the Government?

Mr. DAVIS. Under subcontract, you mean?

Mr. NICHOLLS. Contract or subcontract.

Mr. DAVIS. I construe the bill just as I said before, that it would be impossible under this bill for us to work a man over eight hours on work for the Government without being liable to fines.

Mr. NICHOLLS. What application would you make of this proviso which says that it shall not affect articles furnished, whether according to certain specifications or not?

Mr. DAVIS. I think I have covered that fully.

Mr. NICHOLLS. I think you failed to answer the chairman on that point.

Mr. DAVIS. I would like to go back on the record, then; I thought I made it plain.

Mr. PAYSON. You expressed yourself fully on that.

The CHAIRMAN. Suppose that the reading was "or for such materials or articles as may usually be bought in the open market, whether made to conform to particular specifications furnished by the Government, or by any contractor to a subcontractor or not;" with those words added, what would be your construction?

Mr. DAVIS. The Government always furnishes specifications.

The CHAIRMAN. And as a matter of fact the contractor furnishes specifications to the subcontractor?

Mr. DAVIS. The contractor who takes the job from the Government furnishes such specifications to the subcontractor, and he must be governed by them under the supervision of whomever the Government may specify.

Mr. NICHOLLS. What I wanted the witness to do was to make his own application of that provision which excepts certain work and give us his idea.

Mr. EMERY. He gave that very fully, but I am very sure he will be willing to go over it.

Mr. NICHOLLS. Just give your understanding of that clause.

Mr. DAVIS. My understanding of this "for such materials or articles that may be usually bought in the open market?"

Mr. NICHOLLS. Yes; whether according to specifications or not.

Mr. DAVIS. They always are, for the Government always furnishes rigid specifications.

Mr. NICHOLLS. Then I would like your application of that exception; what articles would you apply it to?

Mr. DAVIS. I am only speaking of one, steel in fabrication; as I say, we produce material which can not be purchased in the open market.

Mr. HOLDER. You do not mean to say that you can not go into the market and get your supplies?

Mr. DAVIS. I am not speaking of supplies, I am speaking of what we are doing; we are fabricating steels of certain shapes, as may be desired by some other person.

Mr. NICHOLLS. Am I right in my understanding, that your company does not produce the material, but simply fashions it into the various shapes and sizes as ordered by your customers?

Mr. DAVIS. Yes.

Mr. NICHOLLS. That is correct?

Mr. DAVIS. Yes.

Mr. NICHOLLS. Can any citizen or any person in this country who may wish to place an order with you, secure the fulfillment of the same, provided he pays the regulation prices?

Mr. DAVIS. Not unless he first tells us what he wants.

Mr. NICHOLLS. Of course. It is not a product of the regular market, however; as I understand you all of your work is done in conformity with the specifications given to you by each customer?

Mr. DAVIS. To a design and a specification submitted by each customer.

Mr. NICHOLLS. Yes, and in each case you must receive those, of course, before you fulfill the order of any customer?

Mr. DAVIS. He first submits a design, which is carefully estimated and bid upon. If we happen to be the fortunate bidders, we procure the order.

Mr. PAYSON. What do you mean by that, in detail; you procure the order?

Mr. DAVIS. That is, the order is given to us on our bid.

Mr. PAYSON. To fill it, what do you do?

Mr. DAVIS. To fill that we purchase certain required shapes known as structural steel.

Mr. PAYSON. Are they prepared for you in contemplation of the order which you have received?

Mr. DAVIS. At all times, yes. We know of the standard stocks, so-called, but there is not a building but what we must have special steel made for.

Mr. PAYSON. That is what I want to know.

Mr. DAVIS. Or a bridge.

Mr. PAYSON. Whether the manufacturer of the pieces which you fabricate makes them to your order, because he has the order from you for them?

Mr. DAVIS. He makes them to our order after we have specified what we require.

Mr. NICHOLLS. Do you fill any orders except such as you have secured through a bid?

Mr. DAVIS. What do you mean by that? I would like to have you make it a little more clear.

Mr. NICHOLLS. All right. Do you supply any materials except such as you bid for to the person who wants to purchase them?

Mr. DAVIS. No.

Mr. NICHOLLS. You make bids for all of the material you furnish?

Mr. DAVIS. We make bids, or prices, for any material which we may procure.

Mr. NICHOLLS. The question that I asked was whether you entered into anything like competitive bidding for every order that you secured.

Mr. DAVIS. Yes, I feel we do. I am quite positive of that. There may be an instance of this kind: A customer may say to us, "What will you furnish a certain span for," and we tell him; we do not know who is bidding on that span, so I am not able to tell you who is bidding against us.

Mr. EMERY. You are like any other fabricator of steel?

Mr. DAVIS. Yes, sir.

Mr. NICHOLLS. Then you have fixed prices upon certain kinds of work?

Mr. DAVIS. Not at all. I doubt if there any two structures in the United States identically alike; therefore we could not have a fixed price.

Mr. NICHOLLS. You do not sell your angle iron at so much a pound?

Mr. DAVIS. We do not sell angle iron. All we do is sell steel that is fabricated.

Mr. EMERY. You are the merchant tailors of the steel industry; you make steel clothing to fit the structure?

Mr. DAVIS. I do not know what you would call us in that line, but we must make what the customer wants; we do not have it in stock; it is impossible to carry it that way.

You can readily understand, gentlemen, that under this act, were it to go into effect, you could not have two different working days. As I said before, we have sometimes as high as twenty-five orders going through one plant at the same time. Now, were you to attempt to put part of your men on an eight-hour basis and the other on a ten-hour basis, you can imagine exactly what that would mean to us. In the first place, the eight-hour man would be perfectly satisfied if he received the same compensation he did before for the ten hours, but the ten-hour man would not stand for it, because he would want the additional raise too. If the eight-hour man was put on the same basis per hour as he was before and only permitted to work eight hours, you can imagine how he would feel. The same way in preparing our preliminary work. Take, for instance, in the morning; if the rivet heaters did not come out and have their furnaces heated ready to start in when it came to the hour of starting, think of the number of men, hundreds of men, who would be lying idle there until such time as those furnaces would be ready, half an hour or three-quarters of an hour.

Mr. HOLDER. You work an eight-hour day with the field force?

Mr. DAVIS. With the field force that is the universal practice.

Mr. EMERY. You mean in the erection department?

Mr. DAVIS. Yes; that is the field force; that is a different proposition.

Mr. DAVENPORT. Do you mean the rigid eight-hour day, or the standard day with overtime and with overtime pay?

Mr. DAVIS. I have nothing to do with the erection department, so I can not answer that definitely.

Mr. TRACY. It is generally a rigid eight-hour day, is it not?

Mr. DAVIS. I will not answer it, because I do not know.

Mr. EMERY. On the contrary, there is testimony here of the representative of the American Bridge Company, Mr. Drew, on that matter. I think it is a general practice to allow overtime.

Mr. DAVIS. They ask to work overtime, and they do work overtime; our men work overtime.

Mr. EMERY. You know, as a matter of fact, that in the erection department of the American Bridge Company the housesmiths employed are not definitely limited to eight hours; that is, they may work longer if they want to, and are paid proportionately.

Mr. DAVIS. I know that to be a fact, and know they do.

Mr. EMERY. Would you be willing to make an estimate, Mr. Davis, of the percentage of structural steel that is probably supplied from the American Bridge Company on public structures, in comparison with the probable amount of structural steel from other sources?

Mr. DAVIS. No; I would not care to confine myself to a definite statement.

Mr. EMERY. Just an approximate statement.

Mr. DAVIS. Approximately, 60 per cent.

Mr. HOLDER. Sixty per cent of your fabrication goes into public buildings?

Mr. DAVIS. No; that is not it.

Mr. NICHOLLS. They furnish 60 per cent of the structural steel used throughout the country?



Mr. DAVIS. No; we are speaking of Government work now.

Mr. PAYSON. What proportion of your work is Government work and what proportion private work?

Mr. EMERY. I am not asking that. What is the comparison between the amount of work you do as contractors for the Government and that you do for private individuals, approximately?

Mr. DAVIS. I have not definite data with me, but I judge the Government work would amount to about 3 per cent of our total production.

Mr. EMERY. Now, I want to ask you, Mr. Davis, if this bill, as you construe it, became a law, what would be the attitude of the American Bridge Company toward taking a contract containing the stipulations fixed in that bill?

Mr. DAVIS. It would be impossible for us to bid on it.

Mr. EMERY. I understand you would not accept, would not be a seeker for Government work?

Mr. DAVIS. It would be impossible for us to accept under those conditions.

Mr. EMERY. Is the Government of the United States equipped to do that work for itself?

Mr. DAVIS. Not that I have any knowledge of.

Mr. EMERY. If it undertook to do so, have you any idea how long it would take the Government to place itself in a position to do that work?

Mr. DAVIS. Mr. Jenks said yesterday that from his end, which is the structural end, it would take fifteen years. They could build a structural shop in the same time, naturally so; I do not think it would extend it further than that; a structural shop could be built in two years.

Mr. EMERY. Would the emergency clauses contained in that bill help you any by excepting emergencies, as you construe them in practical business?

The CHAIRMAN. One moment right there. How would the structural shop be built—that is, assuming your construction to be correct and that your concern and others would not take contracts under the law as you construe it—if this bill were a law, how could they build a structural shop at all?

Mr. DAVIS. That is not for me to answer, Mr. Chairman; I do not know, I can not see; in fact, I have not anything to say about that.

Mr. NICHOLLS. At least, if it were built, that would do away with all this contention as to the hours of labor, would it not?

Mr. DAVIS. I am afraid the Government, if they had one, would have their own troubles.

Mr. TRACY. You think if the Government was confronted with this obstacle, they could not overcome it?

Mr. DAVIS. There is not anything they can not overcome. If there is, I want to find it out.

Mr. TRACY. Good.

Mr. DAVIS. These penalties in here, so far as I can see, would not relieve the act in the least, so far as we are concerned.

Mr. EMERY. The emergency conditions would not relieve it?

Mr. DAVIS. No.

(Thereupon, at 3.20 o'clock p. m., the committee adjourned until to-morrow, Friday, March 6, 1908, at 10.30 o'clock a. m.)

SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Friday, March 6, 1908.*

The committee met at 10.30 o'clock a. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. DANIEL DAVENPORT, COUNSEL FOR THE  
AMERICAN ANTIBOYCOTT ASSOCIATION, OF BRIDGEPORT,  
CONN.**

Mr. DAVENPORT. I have been communicated with on behalf of Mr. Mahoney, a prominent lawyer, who desired to be heard here to-day, but will be unable to be here, and I have been requested to say that these people are very much opposed to the passage of this bill, and that their views are in accord with those which have been expressed here and for very much the same reasons.

Mr. NORRIS. I want to say that this subcommittee meeting was called, I believe, at my request, and in order to show my good faith in the matter I want to explain to the chairman and members of the committee that I called the meeting on a telegram from the Business Men's Association of Omaha, in which they stated that they wanted to be heard on the eight-hour bill, and would like to have me arrange for a hearing. So I immediately took it up and found out that this day and this hour could be had, and I wired the Business Men's Association at Omaha what I had done, and asked them to wire me whether the day was satisfactory and whether they would be here. I received an answer to my telegram and also a letter from the secretary of the association. The telegram stated that they would be here at this time, and asked me to reserve the time. I had stated in my telegram to them that other parties wanted the time if they did not want to take it. That is all I have heard from them. They are not here, and I have not received any further communication from them. I thought it was due to the committee that I should state this much, in order to show that I was acting in entire good faith. I do not know why they are not able to be here. I am sure something has happened, because I was assured by letter and by wire that they would be represented here this morning.

Mr. DAVENPORT. While I am about it, I want to direct the attention of the committee to what I consider one of the very serious objections to this bill, a thing we have been talking about from time to time, and that is the hopeless tangle, Mr. Chairman, that contractors and subcontractors would become involved in if its provisions were to become law.

Of course the chairman must have observed that the contractor must in some way seek to protect himself from the failures on the part of the subcontractors to observe the provisions of the law. He would have to do that by inserting it in his contract with them that the money was to be withheld, or he would have to do it by bond. Necessarily, in the event of litigation between the two, that would have to go, in all probability, into the State courts, and between the subcontractor and his subcontractor there might be a dispute. The contractor, of course, is the one who is responsible to the Government. All sorts of questions of waiver would arise. A contractor says: "Hurry up on that job; we want this thing done at such and such a

time," and the subcontractor's subcontractor would go ahead to perform it. In the controversy between the contractor and the subcontractor and the subcontractor those issues of fact would have to be passed upon by juries, and all these questions of whether there was a violation or not, whether there was a waiver or not of the provisions, would be settled in that way, but the contractor, no matter what might be the fate of the matter in those courts, is dealing with the Government, and if the inspector has said that there is this violation, and the proper officer withholds the money, he has to resort to the Treasury of the United States. In this crude, rough way I have outlined something which seems to me would deter anybody from taking contracts with the Government.

Apart from the responsibility for the violations—the penalties that might be \$1,000 for a \$500 machine which the contractor or the subcontractor had let out to another contractor, the impossibility of protecting himself by bond adequately, no relation at all between the penalties and the quality or excellence of the work—you have this difficulty, that the contractor never could know whether or not ultimately he could recover from these people, the subcontractors down the line. It seems to me that the committee is up against this proposition, that they are asked to enact a law which from its probable operation would paralyze the operations of the Government. How can the Government do its business without these contracts, and how can any reasonably prudent business man undertake it? That is quite apart from the other suggestions I have heard.

The CHAIRMAN. My thought on that line, Mr. Davenport, has been this: That if this bill should become a law it would be read into every contract between every contractor and subcontractor. Can waiver be plead against the contractor on a provision that a law reads into the contract?

Mr. DAVENPORT. Certainly; a man can waive any stipulation of a contract. The Government, of course, if there is no prohibition against such a waiver, can waive the conditions of a contract.

The CHAIRMAN. To put the question in another form, does not the language of the act itself operate to shear the contractor of the power of waiver?

Mr. DAVENPORT. It does not state that these conditions shall be put into the subcontracts; it is only between the Government and the contractor. The contractor has not got to stipulate with his subcontractor that there shall be no such violations of the law, and if to protect himself he puts such a clause in, or he gets a bond from the man, if the man can give a bond, then the subcontractor can say, of course, "I never violated that law." There is an issue to be tried out between the contractor and the subcontractor. Or he can say, "To be sure I did, but you waived it." There is nothing in that law which requires it to be put into the subcontracts, as I understand it, Mr. Chairman.

Mr. HOLDER. What evidence or proof, Mr. Davenport, do you think would be taken to establish that they had waived?

Mr. DAVENPORT. It would be the same as in any contract.

Mr. HOLDER. A verbal waiver?

Mr. DAVENPORT. Certainly it would. Whenever the conduct of the party indicates an intent to waive a stipulation in a contract, and the acceptance of that, acting upon that by the other party relieves the party who relies upon it. What I was going to add is, you are

going to have this litigation necessarily in the State courts. We will suppose that the Cramps make a contract with the United States Steel Company, or the Carnegie Steel Company, which, I suppose, is a Pennsylvania corporation. Being citizens of the same State, the controversy must be litigated between those two concerns in the State court, and if it is an action at law of course it will be tried by a jury. The inspector says to the Cramps, "That concern down there has violated the law, and therefore we are obliged to report the case to the proper officer, and he is obliged to withhold the money." The Carnegie people say to the Cramp people, "That is not true; we never violated it;" or, "Why, you were in such a hurry for this matter that you acted in such a way that you waived it." They get into a dispute. When the Carnegie Company wants to sue the Cramps, where do they go? Into the State courts of Pennsylvania, being citizens of the same State. The issue is put to the jury, the jury says the Carnegie people did not violate this, and therefore render judgment against the Cramps people. At the same time the Cramps people are up against it here in the Treasury, and under the provisions of that law, as I read it, a crowbar could not get the money out of the Treasury for them.

The suggestion of the chairman, as I understand it, is that a fair construction of this law would be that every subcontractor of every subcontractor, away down the line, has read into his contract a stipulation of this kind, but there is nothing in the law that provides that. It simply says that in all the contracts between the Government and these contractors doing the work for the Government there shall be inserted a stipulation that neither he nor his subcontractor shall violate the provisions of the law. There is nothing that requires such a stipulation as that to be in any of the subcontracts, and by its terms, or the fair implication from its terms, there is nothing that requires this. You can see what a mixed up situation it would bring about, and it seems to me that is an added reason why a law of this kind, imposing all these consequences upon the contractor, would evitably tend to prevent the Government making its contracts to carry on its business, and you would be in the situation, practically, of a paralyzed Government. You can not think now of carrying on the Government without contracts. It would be utterly impossible for the Government to build its factories to do all this work, utterly impracticable. If it undertook to erect a building directly, it would be necessary to make these subcontracts, so you only put the thing a step further away.

The CHAIRMAN. I had seen, in shadowy outline, not so clearly, the difficulties which you have suggested, and they raised this question, to my way of considering it, whether it is within the power of the United States, as to work being done for it, to take from contractors within a State—Smith and Jones, for instance—the right to appeal to the courts of their own States and confine the adjudication to the head of the Department, or the Court of Claims. I do not know that I have made it clear.

Mr. DAVENPORT. I see the point.

The CHAIRMAN. The condition of which you speak arises. There might be no difficulty in adjusting that in the Navy Department or the Treasury Department or in the Court of Claims, but change Smith and Jones there to Cramps and Carnegie. The Cramps and Carnegie

companies are citizens of Pennsylvania. There is a contract between them, which was a subcontract so far as the Government is concerned, for the furnishing of armor plates or the ribs of a ship. It is alleged that overtime is worked. The money is retained. There is a cause of litigation arises between the two out of that very question. Can the United States, in a directory way, in a bill like this, take from the Carnegie Company the right to go to the courts of Pennsylvania on that question? I do not know of a case anywhere that touches the subject.

Mr. DAVENPORT. I discussed that question, Mr. Chairman, before the Senate committee of 1904, from that very standpoint, and I contended that they had no power to prevent the citizens of a State, in a controversy between themselves, from resorting to the State courts, and I think I discussed it here, too, somewhat, in the desultory hearings we had.

The CHAIRMAN. I do not recollect the point being raised here, and I confess I never read the Senate hearings.

Mr. RAINEY. Do you not think the case would ultimately bring up in the Federal courts anyway; that there would be a constitutional question that would bring it to the Federal courts?

Mr. DAVENPORT. It might come up from the State court by writ of error to the Supreme Court of the United States. But come to fundamentals, as Mr. Gardner points out.

Mr. GARDNER. I do not point out; I raise the question.

Mr. DAVENPORT. I mean, you called attention to it. Two citizens of Pennsylvania get into a controversy as to whether or not one has violated a contract arrangement with the other. That contract is a property right, and it is to be contested, and under the constitution of Pennsylvania it is to be tried out before a jury. How can Congress, as the thought comes to my mind as it is discussed in those hearings, step over and say to these men, "You shall not litigate that question, which involves hundreds or thousands of dollars to you, in the tribunals of your State; it has to go to the Court of Claims."

The CHAIRMAN. How far can a statute go in the direction of requiring, or permitting, even, a surrender of the right to appeal to the courts in the protection of a property right? For instance, A makes a contract with B for the erection of a Department building. In order that they may settle the thing between themselves by some rule which they write in the contract, they write in the contract itself a stipulation that if either of them shall appeal to the courts he shall be liable to the other in the sum of \$10,000 to be considered and adjudged as liquidated damages.

Mr. DAVENPORT. Such arrangements as that have been held void, of course, as contrary to public policy.

The CHAIRMAN. They have been?

Mr. DAVENPORT. Oh, yes; in these matters, agreements to submit to arbitration, and all those things. Of course, it has come up very frequently in regard to architects, where the decision of the matter is left to the architect. If the requirement in a contract is that he shall receive a certificate from an architect, and the architect, in the absence of fraud, and so forth, withholds the certificate, then the party is bound by it, but if, in a building contract, they agree to leave the matter of arbitration, that is held to be void as contrary to public policy, and as robbing the courts of their jurisdiction.

The CHAIRMAN. I do not see that that touches our point exactly. That is where two parties agree to submit a matter to arbitration, and the difficulty arises out of the fraudulent conduct of one of them.

Mr. DAVENPORT. Oh, no; those are condemned by the law, that class of agreements, because they do oust the court from its jurisdiction. That is expressly the point. I think I can readily refer to a long line of decisions on the subject. Men can not stipulate that they will not submit their disagreements to the adjudication of courts. That is a fundamental principle, grounded on the gravest reasons of public policy, the courts say.

But we will suppose this case, Mr. Chairman: Suppose you should put in this bill that they are prohibited from making any contracts with their subcontractors that do not contain such a provision as that; suppose you went that far? Suppose you wrote into the law that every contractor is prohibited from making any such contracts. I suppose that the direct effect of that would be, of course, that the contractor would not take the contract. But suppose he did. The matter has such a remote relation to the proper subject of governmental regulation that I think it would be held to be invalid, that it is not a reasonable exercise of the power of the Government. In the cases which I have quoted, and which will be before the committee in the record, there is always the condition that all this business must be reasonable, must be of a reasonable character—a reasonable regulation, or it is void.

But what I wanted to direct your attention to was the practical proposition, because you gentlemen have a very serious work in drafting a law here that would be practical in its operation, as well as one that would be valid. Just think for a moment what would be the situation now, of a great concern that took a contract, say, for a battle ship, for a couple of million, or three or four million dollars. As has been shown here, they have to make these subcontracts, and they have to make their contracts sometimes with people in other lands and in other countries, and they are spread all over the United States, in twenty or thirty States, with the absolute certainty that controversies would be continually arising. The subcontractor would say, "They did not work fifteen minutes overtime that day, and we can prove it." "Ah, but the inspector of the Government says you did, and he holds me up to this; we can not get our money. It is true we are not going to stand to lose that \$5,000 penalties." Then you go into court to fight it out, and what absolute confusion there would be in the practical application of the thing. The difficulties that would arise from the necessity of keeping tab on all this thing would be insignificant, it seems to me, in comparison with the trouble that would arise in view of the disagreements that would be sure to arise between contractors, subcontractors, and subcontractors, and subcontractors. But in the interim I will see if I can not lay my hands on some decisions that will bear upon the point that was inquired about by Mr. Gardner.

The CHAIRMAN. Take a case like this: Suppose we could build a ship on the Ohio River, on the Ohio side of it. The Government makes a contract under this bill, it having become a law, and suppose it is held without question that in so far as the bill goes it is a direction of the principal to the agent. It directs the shipyard on the banks of the Ohio to build a ship, allowing no man to work more

than eight hours. The shipyard on the Ohio contracts with a steel company in the United States to furnish ribs and so on; there the law is violated; the party without disguise worked ten hours a day. First, this law is upheld as a direction to the principal of the agent, but the construction company in Ohio brings a suit in the State courts to collect from the shipyard. What is the supreme court of Ohio to hold, in view of its previous decisions that this act can be applied as a justification by the contractor in withholding the moneys from the subcontractor, or that the act is a direction to the shipbuilders on which they took their own chances, and that in the State of Ohio, in a contract between the shipyard and the construction company, they can not enforce it because it is held to be unconstitutional in that State? In other words, in your judgment, would this act be of validity and conclusive in the State courts of Ohio, as an authority to the shipyard to withhold from the subcontractor the moneys deducted because of the violation of the eight-hour provision, or could they collect in the State of Ohio from the ship companies that sum of money, because in that State it was a contract between two citizens, and the withholding therefore invalid?

Mr. DAVENPORT. I guess that question would have to go to the Supreme Court of the United States. Of course, the United States courts have jurisdiction of every case where the right set up or the defense made presents what is called a Federal question—that is, a right is claimed under the laws of the United States, or a defense is set up under the laws of the United States; but it appears upon the record, and of course such case as that, where such a defense is presented in a particular way, is removable to the Federal courts.

The CHAIRMAN. There would not be any doubt about that, would there?

Mr. DAVENPORT. No, sir; but I want also to call attention to the fact that in suits between citizens of different States they are brought into the Federal courts, and are removed into the Federal courts under the acts of Congress, but the laws that are applied in such cases are the State laws and not the Federal laws. Under the laws of the United States, if Mr. Gardner should be in Connecticut and I should sue him in the State court for anything over \$2,000, he, at the proper time, could remove the case into the circuit court for the district of Connecticut, but the law that would be applied in the matter would not be a Federal law—a United States law—but it would be the common law and the general law and statute laws of the States, so far as they affected the matter. But anything that involves a Federal question—that is to say, a right set up and claimed under a Federal statute, either by the plaintiff or defendant, either by way of cause of action or defense—can be brought in the Federal courts, provided the amount involved is \$2,000 and the matter is presented to the court in the pleadings in such a way that it is apparent upon the record. But the trouble about this bill, Mr. Chairman, I would respectfully submit, is, in view of the troubles that I have pointed out, that it does not affect anything; it does not contemplate anything in its terms, requirements, or implications. It is only this: The contractor says to the Government, "I will agree that neither I, if I do this work myself, nor anyone else that I subcontract it out to, shall do this work, working anybody more than eight hours in any one calendar day." There is nothing in the act that looks to any

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liability upon the part of the subcontractor to the Government; it is intentionally drawn in this way for the very purpose of avoiding what is, I think, conceded to be a distinct and plain constitutional difficulty. But even those aspects of it are pretty well discussed in the 67 Ohio State, which opinion I have had put into the record.]

The Government, in this business, is acting as an individual and not as sovereign. When it comes to enact laws in regard to its own work—that is, work done upon its own property, just as the State in regard to its roads, as was the case in *Atkins v. Kansas*, where there is no question of health involved, the Government is acting as an individual, making a contract with others, and the argument is, "Anybody can take or leave that contract." To be sure he can; there is nothing compulsory about his taking it, but when the Government undertakes to reach over to the relations between a contractor and a subcontractor, and so on, for the purpose of limiting the rights both of the employer and employee, it seems to be within the principle laid down by the Supreme Court in the case in New York were they say, "Calling these things police regulations does not make them such."

The CHAIRMAN. May I interrupt you right there?

Mr. DAVENPORT. Yes, sir.

The CHAIRMAN. I am perfectly frank to state that this bill is drawn on the theory that the Government is acting as a sovereign and not as an individual. In fact, I conceive that right in that question lies in the constitutional validity of the bill. I am not conversant with the authorities, and do not pretend to be, but I do not know of any case where that distinction is held. In the case of the act of 1892, now on the statute books, the district courts, if they upheld convictions, must have acted on the theory that the Government, in passing that act, was acting as a sovereign, because it makes the violations of this stipulation a misdemeanor.

Mr. EMERY. You find a sharp distinction in the case of the United States *v. Ellis*, where the law of 1892 was passed upon.

Mr. DAVENPORT. That is precisely the point considered in the United States and *Ellis* case in 206 United States. But the ground on which the criminal provisions of the act of 1892 have been sustained by the courts is this, that the Federal Government has a right to build its own buildings on its own land, to control its own works that belong to it, considering the bed of the stream, for instance, as the property, in that sense, of the Government, and they have a right in that regard, they say, to make these contracts, such as are provided in the act of 1892, and having power to provide for that contract, they have the power to make criminal acts in violation of it.

That is put upon the distinct ground that the Government is a sovereign, exercising control over something within its domain as a sovereign. You might say it is an exercise of the police power. But they leave the door open, to say the least, and I think it is a fair implication from what they say that where you travel beyond that and undertake to regulate the relations between men in a matter which, at most, is but collateral to the subject of the public work, you are attempting to do something by indirection which you are prohibited from doing directly, and they will not be fooled. They say, "We will look through these things and see whether it is a reasonable or a bona fide exercise of the power." Although in *United States v. Ellis* they



say that you can not inquire into the motives of Congress in regard to its legislation, conceding that the thing they are dealing with is within their jurisdiction.

You will remember that in the baker case, to which reference was made here by Mr. Emery, or which, at any rate, is quoted in these other cases, the State of New York enacted a law that the bakers should not work more than ten hours a day in bakeries, and they put in upon the ground that it was bad for the health, and perhaps for the product. The court of appeals sustained that law, and it came up here to the Supreme Court of the United States, and they reversed it and declared the law invalid; that though it professed to have been the exercise of the police power, yet it was not, in point of fact, that, and that the States or any other legislative tribunal would not be permitted to call a thing one thing which was something entirely different.

In regard to this proposition, the difficulty that was suggested years ago to this committee was that law which was passed which attempted directly to do this thing was unconstitutional and therefore it was sought to be got around by inserting it in a provision of a contract which a man was offered, to take or not, and thereby there was no direct invasion of it. But the indirect invasion is apparent, and being an indirect invasion of the same thing I think it is fairly to be contended, it seems to me, probably, that the courts would say as they did in Ohio, "This is beyond the scope of the legislative power."

The CHAIRMAN. Right there let me ask a question to get your opinion. The State of Ohio had a splendid opportunity to say that they would hold that law to be equally unconstitutional if it applied to contracts made by the State, but they avoided saying so, and put their decision on the ground that the city of Cleveland was a citizen of Ohio, and that therefore the law of the case under consideration was operating on two citizens of the State.

Mr. DAVENPORT. Yes. What they said there was that a municipal corporation was the same as any other citizen as far as that question was concerned, and they approached the question, Can the State of Ohio interfere and prevent, by Federal legislation, these contract relations? And that brings to my mind what I want to call the chairman's attention to, and that is what they said in that case. They said that the right of a man to make a contract to buy labor and to sell labor was a property right which was protected by the bill of rights of the Ohio constitution. Precisely that language is used, precisely that same constitutional provision is considered and applied in this Adair case, which, as you know, held the tenth section of the Erdmann Act to be unconstitutional. Some suggestion has been made here that perhaps there is a difference between the constitution of Ohio and the Constitution of the United States on that point. But the identical language by the supreme court of Ohio is used by the Supreme Court of the United States in the Adair case. They say that the right of a man to buy labor, the right of a man to sell labor, is protected by the fifth amendment of the Constitution from legislative interference, because it is not only a right of liberty, but it is a right of property, using the identical language that was used by the supreme court of Ohio in the case we have quoted.

The CHAIRMAN. The Supreme Court, in the Adair case, and the supreme court of Ohio, in the Cleveland Construction Company case, undoubtedly have held that the provisions of the constitution of

Ohio and the provisions of the fifth amendment to the national Constitution were practically the same.

Mr. DAVENPORT. Yes, and this is the thing we have been talking up before the House Judiciary Committee on the anti-injunction proposition, whether the right of a man to buy labor and the right of a man to sell labor were property rights. There is a bill pending there to declare that it is not a property right. The Supreme Court of the United States has come along, and reiterated with emphasis three times in that opinion that it is a right of property.

Mr. EMERY. In that connection, I call your attention to the language of Justice Brown in the Utah eight-hour case where he discussed very elaborately that very point, to show where the police power could be justly applied and where it could not. There is a very elaborate discussion there.

Mr. DAVENPORT. That is all obiter, but here you have the identical language, the thing on which the decision of the case turned, that the right of man to employ labor and the right of a man to buy labor, as they express it, and the right of man to sell labor, is a property right, and that the fifth amendment of the Constitution protects that right from legislation by Congress. You know the necessary effect of that decision was to wipe out in every State in this Union all the laws that have been put upon the statute books by State legislation, because while the fifth amendment is only a restriction on Congressional action, in the fourteenth amendment there is the same prohibition against State action. The fourteenth amendment is that "No State shall deprive any person of life, liberty, or property without due process of law," the identical language in the fifth amendment, which, of course, we all know applies only to Congressional action, and the effect of that decision was to wipe off the statute books of every State in the Union all legislation of the same character. If it is true that the right of a man to buy labor and the right of a man to sell it is a property right, as those provisions are interpreted by the Supreme Court, as they exist in the Constitution of the United States, and the similar provision is in the constitution of Ohio, and the supreme court of Ohio for that very reason has held a bill of this kind unconstitutional, is it not probable that when the matter comes before the Supreme Court of the United States they will say, "For the reasons that we gave in the Adair case, for the reasons that were given so well by the Ohio supreme court in that case, we hold that Congress has transcended its province in attempting to deprive the working people of this country of the privilege of selling their overtime, if they want to, for overtime pay, and in attempting to deprive the employer of his right to contract for and receive the services which the employee is willing and desirous of selling; for those reasons we hold this act to be unconstitutional?"

I noticed the other day that Judge Payson said he had never agreed fully with what Judge McComas had said on the subject years ago. I do not know how fully he has investigated the matter, but I think that when he comes to look into it and consider it in the light of these recent decisions of the Supreme Court, he would think there was very serious question as to the constitutionality of it. For what would be said when they got up and asked this question in the Supreme Court of the United States? They would draw a picture,

of course, of 25,000,000 people who wanted to sell their labor, having their whole capital invested in the right to sell their labor, and the employers of the country desirous of purchasing it, and there being nothing in it that involved a question of good health or morals of the parties, and so beyond the domain of the police power, what would be said? As the Supreme Court said in the New York case, they would say, "This act of Congress is intended to accomplish by indirection that which every one would concede was beyond their direct control." I now want to read you some extracts from the hearings before the Senate Committee on Education and Labor in 1904:

The CHAIRMAN. The Senate bill is identically the same bill which was reported by me in behalf of the Senate Committee on Education and Labor in the last Congress. It is also the same bill, as I understand it, that has been introduced and is now being considered before the House Committee on Labor.

Mr. DAVENPORT. So I understand. There are many features of this bill about which I desire to say something to you, as lawyers and as Senators. But before I go into that discussion I want to talk to you a little, generally, about the principles involved in the whole matter.

The reason why the American Antiboycott Association is so much opposed to this bill is because its members and others are exposed to being boycotted by the American people through the United States Government. Every concern in this country that does not see fit to run its business in all respects covered by this bill, according to the requirements of this bill, is deprived of the opportunity to compete for the business of the Government, and they decidedly object to having a law placed upon the statute books which will have that result.

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We will suppose that the Cramps have a contract to build a battle ship. They, of course, can not do all the work themselves and must let out subcontracts. We will suppose that they make a subcontract with the Bethlehem Iron Company for armor plates. The representative of the Government at the Bethlehem works reports to the proper officer of the Government—

Then there was an interruption about some other matter.

Mr. DAVENPORT. When I was interrupted I was upon the subject of the situation that would arise when an inspector at the Bethlehem works reported to the Government official whose business it was to approve the payment of the money to the contractor, that at the Bethlehem works, say, 1,000 men had worked several days for a longer time than eight hours. Under the provisions of this bill the proper officer would, of course, withhold the money, and from that decision the contractor could appeal to the head of the Department. If the head of the Department decided against him he could appeal to the Court of Claims.

If the Court of Claims decided the matter against the contractor the Treasury of the United States is barred and closed to the contractor. There is no possibility of getting the money out of the Treasury. The matter is settled, so far as he is concerned, under the provisions of his contract. Then the subcontractor goes to his contractor and says: I want the money which you have agreed to pay me under my subcontract. The contractor says: The Government has held that money up; you are reported to have worked your men more than eight hours a day and many thousands of dollars have been withheld from me. The subcontractor says to the contractor: That is not true; I did not work my men more than eight hours a day. He might also say: Why, you knew when you called upon me to do that particular work that it would be necessary for me, in order to complete it, to work my men more than eight hours a day, and consequently you have waived the condition of the contract. Of course, that would at once bring the contractor and the subcontractor into collision. The subcontractor would bring suit against the contractor. If they were citizens of the same State he could bring the suit in the State court. If they were citizens of different States he could bring it in the United States circuit court where either the plaintiff or the defendant lived, according to the possibility of obtaining service.

I pass by the question whether a party could remove that case from the State court into the United States circuit court. Be that as it may, the question between the contractor and the subcontractor would have to be litigated in a State or Federal court before a jury. There the question would be: Did you violate this contract, or did you fail to perform your stipulations contained in the contract, or if you did fail, did the other party waive it? That question would have to be passed upon by a jury,

under the Constitution of the United States. The fact that the officer of the United States Government had withheld the money from the contractor would be of no avail and of no consequence. The decision of that point by the Court of Claims would not at all affect the liability of the contractor to the subcontractor, even if he had stipulated in his contract that the subcontractor should not violate this provision of law, in the event that the subcontractor said: Why, you have waived all these conditions. So that the necessary effect of this bill, as you have it drawn, is to expose the contractor not only to all of the unfortunate results to him of having his money held up by the Government, with a possibility that it will not only be delayed, but may be denied to him altogether, but you place him in a position where he is liable to be defeated in litigation with his subcontractor over the same point.

You understand, gentlemen, that the Court of Claims is not a constitutional court. It is an administrative device gotten up by the Government to decide upon claims against itself.

The CHAIRMAN. It is a statutory court.

Mr. DAVENPORT. It is a statutory court, but it is not a constitutional court, and there is nothing in this bill which requires a subcontractor to submit his cause to such a court, nor would it be of any avail if it did, as between him and the contractor.

Senator STONE. When you were interrupted, you were about to illustrate your argument as to the effect of this bill on subcontractors by supposing the case of a battle ship that was to be constructed. You said that if the Cramps had a contract with the Government to construct a battle ship they would not be permitted under this bill to work their men more than eight hours a day, and you were about to say that if they had to make a contract with some other corporation—the Carnegies, for instance—to furnish armor plate the men there could not work more than eight hours a day. Do you mean to say, and is it your opinion, that under this bill the Cramps would be liable for work done by the Carnegie Company, or by the employees of the Carnegie Company, in making armor plate, if the men worked more than eight hours a day on that armor plate?

Mr. DAVENPORT. Certainly; that is the very purpose of the bill. It makes the contractor a guarantor that the subcontractor will not permit his men to work more than eight hours in any calendar day. That is the purpose of it and that is the effect of it.

The distinguished gentlemen who have undoubtedly devoted a great deal of attention, and who have pondered over the different bearings of this matter and its different consequences, have come to the conclusion that that is as far as they can go. They can make the contractor responsible to the Government because, being a matter of contract, he can contract away anything he has a mind to. Assuming that to be the case, I illustrated it by the instance of the Cramps and the Bethlehem Company.

To be as pointed and concise as I can, and in order not to repeat and not to annoy you, I want to say to you that you put the contractor between the upper and the nether millstone and he can not escape from it. When he gets through with his difficulty with the Government, his difficulties have just begun, because in all the hurry and confusion of the building of a vessel like a battle ship—and I use that merely as an illustration—the relations between him and his subcontractor are such that the subcontractor can very easily and very readily say: You waived that stipulation which you put into my contract. It will not help him as against the Government, because he is absolutely required by his contract to be responsible for it.

The CHAIRMAN. If you have no objection to answering, I should like to ask you a question right there; you know more of the Senate history of this bill than I do. The very point which you have been urging was present, not as you present it, but in another aspect, at the original drawing of this bill, and provision was inserted in the bill that no officer on the part of the Government should have the power to waive the stipulations provided for in the contract. Somewhere in the travels of the bill from one House to the other that provision has disappeared. The original bill as it left the committee provided:

That no person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

That is not as broad as I had it in mind, and does not seem to meet the purposes for which it was intended. The question present was whether, under a bill directing anybody who represented the Govern-

ment to insert in every such contract such a stipulation, it did not still remain in the power of the Government, having contracted for a dry dock, if you please, to be built in forty-two months, to say some day, "We would like to have that dry dock in thirty-six months," and thereby waive the whole business?

Mr. DAVENPORT. I suppose it would be, but it would depend. We will suppose that the construction adopted by the attorney, whoever he was, solicitor-general, or whatever you call him, of the Department of Commerce and Labor, to whom this matter was referred once, that this bill does not touch, does not apply to public buildings, because that is governed by the act of 1892, is not correct, and it does apply, so that the criminal provisions of the act of 1892 apply to the public works of the United States, and then the contractor who feels thus, in making his contract, inserts the stipulation that in addition to all that he will forfeit the sum of \$5 for each and every man. I suppose that in that class of contracts such a waiver as that would not be permitted, because it would involve a criminal act. Mr. Gardner, myself, and I suppose everybody else here thought and believed that it would apply to all public buildings, for instance, in the District of Columbia, in contracts of that kind; but here comes the solicitor of the Department of Commerce and Labor, and he says that it does not apply to those at all, because there is in this bill a provision that nothing in it shall alter, amend, or repeal the provisions of the act of 1892.

That excepts from the operation of this bill all that vast amount of public work which is done for the Government throughout this whole great country. There is that radical difference of construction to be settled some time or other by the Supreme Court, but assuming our construction to be correct, then I say that they could not waive any provisions that would bring them in conflict with the criminal law.

Mr. EMERY. May I ask you just for the purpose of the record, in view of what you have just stated there, that if a contractor on a public building, acting under the belief expressed by the law officer of the Government that this bill did not apply to public buildings, entered into or carried out a contract for the erection of a public building in which he did not have the stipulation required by this bill, and the courts then passed on this question and held that those would apply to public buildings, would the contractor have a valid contract with the Government?

Mr. DAVENPORT. I do not think he would; I think he has to take his chances. There is the law; ignorance of the law excuses no man, especially when he comes to make contracts. If he should have the mistaken idea, or his attorney should advise him, that the opinion of the solicitor was correct, if he made a contract and then afterwards it was held by the courts that it did apply to those, then he would be in the position, it would seem to me, of having made an unlawful contract, one that was prohibited by law. Certainly, no one would think, would he, if in the teeth of this law a man made a contract with the Government that did not contain this stipulation, that he could enforce it, when the positive direction of the Government is that the contract shall contain that stipulation? At any rate he can not sue the Government except in the Court of Claims. The Government is a sovereign; we can not go into the ordinary courts and sue it.

The CHAIRMAN. And the Government is a sovereign at all times.

Mr. DAVENPORT. But not all that it does, the Supreme Court says, is an act of sovereignty. It is an individual; it has the same rights of contracting that any individual has; they say, but of course its privilege as a sovereign prevents it from being sued in any court in which it is not willing to be sued? I understand they got up the Court of Claims for the purpose of mitigating somewhat that burden on those who do business with the Government.

Talking about that thing we were talking about yesterday, Mr. Chairman, there is a provision in this bill that it shall not apply to materials or articles which may be usually bought in the open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether made to conform to particular specifications or not. It does seem to me that there is a direct conflict, an inconsistency, in those provisions. The limitation as to what may usually be bought in the open market applies to articles or materials, whether made to conform to particular specifications or not, and when you come to the word "supplies," there is not a supply that is not an article, or in some instances, you may say, a "material," and here you have in the same bill a provision that limits the exception of those articles to only such as can be usually bought in the open market, and then the same articles without such a provision in there.

The CHAIRMAN. I was impressed by your thought yesterday, which you seemed to entertain, that there was an inconsistency. I confess that I did not see deep enough to see the inconsistency in saying a thing twice instead of saying it once.

Mr. DAVENPORT. No, it says it differently twice; that is the trouble. Here we have it: "Nothing in this act shall apply to contracts for such materials or articles as may usually be bought in the open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government," not such as may usually be bought in the open market, but absolutely, whether manufactured to conform to particular specifications or not. Every article that falls within the class of supplies is either a material or an article, of course. The limitation in the first clause is to such as may be usually bought in the open market. So long as the thing is a supply, and whatever that is, it is certainly an article or a material, you are not to inquire as to that, whether or not they are such as may be usually bought in the open market. Now, what on earth is there that does not come under that last exception?

The CHAIRMAN. Let us see. They were seeking, I suppose, under advice from the Departments, to apply to things those names by which they are generally known in Department nomenclature. It is very common to speak of "writing materials," for instance; you mean paper, envelopes, pencils, pens, and ink. In speaking of furniture it is common in the trade, or down here, to speak of them as "articles of furniture." "Army supplies" means clothing, blankets, tents, flour, beef, compressed vegetables, and pepper and salt.

Mr. DAVENPORT. Uniforms?

Mr. EMERY. Do you want to include rifles?

The CHAIRMAN. I have intended always, and do yet, to interrogate the War Department on that question. According to the memoranda which I find I have with reference to the original bill, guns, cartridge

boxes, caps—we do not use caps now—bayonets, belts, are universally spoken of as “equipment.” Under just what provision they would put that exception I am not prepared to answer at this moment, nor do I know what Judge McComas thought.

Mr. DAVENPORT. Do you not think that in view of the highly penal provisions of this bill they would give it as broad a construction as the word would permit?

The CHAIRMAN. I will read from the report. This is in the report of the Secretary of Commerce and Labor:

The exact significance of the terms “in open market” and “supplies” in the third and fourth excepted classes is not clear. For example, What would be comprehended under “such materials and articles as may be usually bought in the open market?” What would be comprehended under the supplies, under the expression “purchase of supplies by the Government?” Would the bill, as now drawn, apply to powder, smokeless or other, food for the Army or Navy, rifles for the Army or Navy, clothing for the Army or Navy, mail bags, postal cards and stamped envelopes for the Post-Office Department, paper for money, paper for the Government Printing Office, packing boxes and file cases, according to order?

My investigation of that subject and the use of those words dates back to 1893 or 1894. In my judgment, those articles would fall under the following classifications: Food for the Army and Navy, supply; clothing for the Army and Navy, supply; mail bags, carried through the appropriation bills as equipment; postal cards and stamped envelopes for the Post-Office Department, carried through 20 appropriation bills as a supply; paper for money, supply; paper for the Government Printing Office, supply; packing boxes and file cases—file cases, I think, are carried as a supply; packing boxes are carried either by name or in a miscellaneous item in which they are named as miscellaneous.

Mr. DAVENPORT. You will notice in that connection, “whether made to conform to particular specifications or not” is in the bill, so that anything which may be called a supply is not within the first limitation, “such as may be bought in the open market.” Granting that all those are, what is the reason all the rest are not?

The CHAIRMAN. I forgot the tents. He does not mention tents under the Army, here; he might have done that.

Mr. EMERY. Do you put rifles in as a supply?

The CHAIRMAN. Rifles seem to be carried through the statutory designations and in the Department nomenclature as equipment.

Mr. EMERY. Then, of course, they would have to fall into one of these heads under this bill.

The CHAIRMAN. That is a question, whether the term “equipment” ought to be in the bill.

Mr. EMERY. Where would the things termed “equipment” fall under the three subdivisions, articles, materials, or supplies; those are the only distinctions there?

The CHAIRMAN. They are in the bill. I suppose that it was for that purpose that Judge McComas inserted “articles.”

Mr. EMERY. Then that would apply to ordnance, the same way, cannon?

The CHAIRMAN. If it would apply to a little gun, it would apply to a big one.

Mr. DAVENPORT. What would you say about a launch—would not that be an article? You can buy launches anywhere in the open market.

Mr. EMERY. If it applies to a launch, does it not apply to a battle ship?

The CHAIRMAN. The word "article" is not mine, and I have never investigated it. I do not know whether it appears in the law dictionaries or not; I suspect it does not.

(Thereupon, at 12.35 o'clock p. m., the committee took a recess until 2 o'clock p. m.)

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SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Friday, March 6, 1908.*

The committee reassembled, pursuant to recess, at 2 o'clock p. m., Hon. John J. Gardner in the chair.

**STATEMENT OF MR. DANIEL DAVENPORT, COUNSEL FOR THE  
AMERICAN ANTIBOYCOTT ASSOCIATION—Concluded.**

Mr. DAVENPORT. Mr. Chairman, while the committee is assembling I want to fulfill my undertaking and get this into the record that we were talking about this morning. We were talking about the ability of the subcontractor by some sort of stipulation to exclude himself from the right to fight this thing out in a State court in his controversy with the contractor in the event of any dispute between them as to the facts.

Of course it must have occurred to anyone that perhaps he would stipulate to abide by the finding of the inspector, and so settle the matter for the protection of the contractor, and he might stipulate that he would leave the matter to the adjudication of the Court of Claims, or in some such way as that.

Now, there are some things that a man can not stipulate not to do if any court before which the stipulation comes pays any attention to it, and the matter is well summed up by Chief Justice Shaw in the case of *Nute v. The Hamilton Mutual Insurance Company* (6 Gray, Mass., 181), where an insurance policy contained a stipulation that the matter should be adjudicated in a particular court of the State of Massachusetts, and where the court did not take that view of the stipulation, that he agreed that it should not be submitted to any other court. But the supreme court of Massachusetts, speaking by Chief Justice Shaw, said that if there was any such agreement as that it was void, and in his opinion Chief Justice Shaw supposes a number of instances. He says [reads]:

Suppose it were stipulated in an ordinary contract that in case of breach no action shall be brought, or that the party in default shall be liable in equity only and not at law, or the reverse; that in any suit commenced no property shall be attached on mesne process or seized on execution for the satisfaction of a judgment, or that the party shall never be liable to arrest; that, in any suit to be brought on such contract, the party sued will confess judgment, or will waive a trial by a jury, or consent that the report of an auditor appointed under the statute shall be final, and judgment be rendered upon it, or that the parties may be witnesses, or, as the law now stands, that the plaintiff will not offer himself as a witness; that, when sued on the contract, the defendant will not plead the statute of limitations, or a discharge in insolvency; and many others might be enumerated; is it not obvious, that, although in a certain sense these are rights or privileges which the party, in the proper time and place, may give or waive, yet a compliance with them can not be annexed to the contract, can not be taken notice of and enforced by the court or tribunal before which the remedy is sought, and can not therefore be relied on by way of defense to the suit brought on the breach of such contract?



That is a quotation from Chief Justice Shaw's opinion in *Nute v. The Hamilton Insurance Company* (6 Gray, 181).

Then, on the general proposition:

An agreement in articles of copartnership and in contracts for work, etc., to refer all matters in dispute to arbitrators can not oust the courts of their jurisdiction:

That is in the case of *Pearl v. Harris* (121 Massachusetts, 390); *Wood v. Humphrey* (124 Massachusetts, 185); *Gray v. Culom* (4 Watts (Pa.), 39); *Tobey v. County of Bristol* (3 Story, 800); *Hobbs v. Manhattan Insurance Company* (56 Maine, 419); *Nute v. Hamilton Insurance Company* (6 Gray, 174-179); and *Reichard v. Manhattan Insurance Company*, (31 Missouri, 518). But in investigating the matter I ran across decisions by the Supreme Court which have a broader application to this very case, which I thought I would bring to the attention of the committee. That is in the twentieth Wallace upon a question of whether this was a contract, to do by contract, to accomplish the ends which could not be accomplished by direct means; and upon the question of the power of a party to oust a court of jurisdiction by agreement I find this case—

The CHAIRMAN. Judge, pardon me. Could you put those in just as well without quoting them, the stenographer leaving a place for them later? This was the time appointed to hear the representatives of the New York Ship Building Companies, and they probably want to go home to-night.

Mr. DAVENPORT. I will only take five minutes.

The CHAIRMAN. Very well.

Mr. DAVENPORT. In the case of the *Insurance Company v. Morse*, the statute of Wisconsin, passed in 1870, enacted that—

It shall not be lawful for any fire insurance company, association, or partnership, incorporated by or organized under the laws of any other State of the United States, or any foreign government, for any of the purposes specified in this act, directly or indirectly, to take risks or transact any business of insurance in this State unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act; and any such companies desiring to transact any such business as aforesaid by any agent or agents, in this State, shall first appoint an attorney in this State on whom process of law can be served, containing an agreement that such company will not remove the suit for trial into the United States circuit court or Federal courts, and file in the office of the secretary of state a written instrument, duly signed and sealed, certifying such appointment, which shall continue until another attorney be substituted.

Now, you know the Supreme Court of the United States held that while an individual has a right to go into another State and do business, a foreign corporation has not any such right, and that the States can prohibit them from doing it, and they can make a condition in granting a license to that company that if they do remove into a United States court the license can be revoked.

That is the opinion in a case that came up in Kentucky, found in 202 United States. They attempted here in this case to maintain that a certain agreement which the party signed should prevent him from going into a Federal court. The insurance company carried on business for a time and put such stipulations as that into their contract; parties were insured under it, and later, when sued, the company tried to remove the case into the United States court. The court said in the first place, on the first proposition, that such an agreement was void at common law: that is was void [reads]:

In these aspects any citizen may no doubt waive the rights to which he may be entitled. He can not, however, bind himself in advance by an agreement, which may be

specifically enforced, thus to forfeit his rights at all times and on all occasions, whenever the case may be presented.

That the agreement of the insurance company is invalid upon the principles mentioned, numerous cases may be cited to prove. They show that agreements in advance to oust the courts of the jurisdiction conferred by law are illegal and void.

In *Scott v. Avery* (one of the cases), the Lord Chancellor says: "There is no doubt of the general principle that parties can not by contract oust the ordinary courts of their jurisdiction. That has been decided in many cases."

And so on. They lay that down as a fundamental proposition, that such an agreement is void. That is in 20 Wallace, 451. Then again [reads]:

Does the agreement in question gain validity from the statute of Wisconsin, which has been quoted? Is the statute of the State of Wisconsin, which enacts that a corporation organized in another State shall not transact business within its limits, unless it stipulates in advance that it will not remove into the Federal courts any suit that may be commenced against it by a citizen of Wisconsin, a valid statute in respect to such requisition under the Constitution of the United States?

And then they hold that every man has a constitutional right to remove his cases into the United States court, and that any law, any State law, which prohibited that was void, and that any stipulation that was inserted in the contract by virtue of such a law was of no validity; that it is one of the constitutional rights of a party, and that the law could not, by requiring such a stipulation, get it into the contract, and if it was in the contract, it was of no more consequence when put in there by virtue of the law.

Now the discussion is very interesting, and it comes to this: That a man can not by contract, that any courts will enforce, bargain away his rights; and by analogy or parallel, as it will appear by examining the authorities, when the individuals who are making a contract between themselves desire to make a contract the Federal Government can not step in and say, as between those people, "You shall not make that contract, or if you make a contract it shall contain a certain stipulation."

Those are the principal authorities. Then another citation is of the case of the Security Mutual Insurance Company v. Prewitt, 202 United States, page 252. I think that is all. This citation is taken from pages 252 and 253 in that case:

In these two cases this court decided that any agreement made by a foreign insurance company not to remove a cause to the Federal court was void, whether made pursuant to a statute of the State providing for such agreement or in the absence of such statute; but that the State, having power to exclude altogether a foreign insurance company from doing business within the State, had power to enact a statute which, in addition to providing for the agreement mentioned, also provided that if the company did remove a case from the State to a Federal court, its right to do business within the State should cease, and its permit should be revoked. It was held there was a distinction between the two propositions, and one might be held void and the other not.

The case of *Barron v. Burnside* (121 U. S., 186) has been cited as overruling the *Doyle* case, and as holding that a statute of the nature of the one in question here is void as a violation of the Federal Constitution. In that case a statute of Iowa was under consideration. It is set out in the report. The first section provides for an application by the foreign company to the secretary of state, requesting that a permit may be issued to the corporation to transact business in the State. It also provides that the application shall contain a stipulation that the permit shall be subject to each of the provisions of the act. The third section provides that if any cases commenced in a State court were removed by the corporation into a Federal court the corporation should thereupon forfeit any permit issued or authority granted to it to transact business in the State. The fourth section provides for punishing the agents, officers, or servants of the corporation for doing business as such in the State, if the corporation had not complied with the statute and taken out and retained a valid permit to do busi-

ness within the State. The corporation had not, in fact, taken out a permit. Barron, the plaintiff in error, was a servant of the corporation, and was engaged as engineer in running a train of the corporation which started from Chicago and was running in the State of Iowa. He was arrested in Iowa for acting as the agent of the company in that State while the company had no permit. Having been arrested, he applied to the supreme court of the State for a writ of habeas corpus, which was issued and a return made, and the case heard upon an agreed statement containing the above facts. The State court upheld the validity of the statute, and the case was brought to this court by writ of error, where the judgment was reversed and the statute held invalid.

Mr. SAMUEL M. KNOX, secretary and treasurer of the New York Shipbuilding Company, Camden, N. J.: Mr. Chairman, before introducing Captain Randle, who will address you in behalf of the New York Shipbuilding Company, I wish to thank the committee for extending the right you gave us yesterday. We found it was not convenient for us then to be here, and you then extended our time to-day, and we appreciate it.

Now, Captain Randle was for a great many years, for more than twenty-five years, a trans-Atlantic sea captain, and during that time commanded many of the largest trans-Atlantic steamers. He also superintended the construction of a great many of these steamers, both in this country and abroad. He is, therefore, not only a practical shipmaster, but also a practical shipbuilder. At the time of the organization of the New York Shipbuilding Company he came into the company as our marine superintendent, a very important official position in our company, and one in which he comes directly in contact with the labor in the yards. His views, therefore, are entitled to consideration, and we will be glad to have you hear him.

The CHAIRMAN. Very well.

#### **STATEMENT OF CAPT. W. G. RANDLE, OF THE NEW YORK SHIP-BUILDING COMPANY, CAMDEN, N. J.**

Captain RANDLE. Mr. Chairman and members of the committee: Replying, as Mr. Knox did, to your kind courtesy, we have by your courtesy been allowed to appear before you and briefly state the objections we have to the bill, the object of which is to restrict the hours of labor in which a man shall work when engaged on Government contracts.

It is necessary, Mr. Chairman, in order that business may be conducted at all, that every manufacturer shall be allowed a free hand in the conduct of his business, establishing the hours of labor according to his requirements and the general conditions existing in each locality by satisfactory negotiations with his men.

I am connected with the New York Shipbuilding Company, of Camden, N. J., as a director and its marine superintendent. We employ about 4,000 men, part of whom are engaged on Government work and part on work for private firms. All work ten hours per day, or sixty hours per week, in winter, and fifty-seven and one half hours in summer. We can not disserve the one set of men from the other without demoralizing our whole plant and its workings, and without its proving disastrous to our whole business financially, as well as making our men dissatisfied amongst themselves, and without depriving their wives and children of 20 per cent of the husbands' and fathers' earnings, and therefore curtailing their necessities and enjoyments, and enacting an arbitrary law whereby a good industrious

mechanic will not be allowed to work when he wants to, thereby depriving him of his rights and privileges as a good citizen.

I wish to state most emphatically that it is neither practical nor possible to work part of the men eight hours and the other part ten hours in the same works; and in connection with what I have stated, allow me to say that there is no article in this wide world manufactured by the hand of man that so largely calls on the general industries of a nation to render their quota of production as a steamship. You can hardly name a commodity that does not in some way or in part enter into the construction and completion of the battle ship and the modern steamship. Therefore in curtailing the hours of labor two hours per day, or twelve hours per week, and six hundred and twenty-four hours per year of each individual worker and producer, there would also necessarily be engendered habits of laziness, dissatisfaction, and other bad effects on the mechanics, and destruction and loss to the company or proprietor, and you would affect almost every industry in this broad land, whenever they may be called on to furnish any part or parts for Government contracts. I might go on from now until this time to-morrow and still not exhaust this subject and its far-reaching effects on the industries of the nations.

During the time I was superintending the construction of the *St. Louis* and *St. Paul* at Cramps' yard in 1894 and 1895, I particularly made a memorandum of all the commodities that entered into the construction of those two great ships, and there was hardly a State in this Union, Mr. Chairman, but what was called on, from New York to California, or from Maine to Georgia, hardly a State but which had to render its quota of some production that entered into the construction of those ships. Therefore, we are not called on alone to uphold the establishment of the ten-hour system in our shipyards, but every industry on this continent is affected by the reduction of two hours of labor of each individual mechanic. It can not help but cause distress to those people and their families, as well as dissatisfaction; and in making our contracts with the Government we are placed under severe penalties for the construction of those ships within the specified time. There are times when, by reason of delay in the delivery of goods, we can not complete those ships in time, and therefore we are called on to work overtime. Our mechanics readily respond to our wishes in that respect, because, of course, they increase thereby their labor and their wages and at the same time help us out of the difficulty. If the eight-hour bill were to become a law, we could not then work those mechanics more than eight hours, and therefore we could not deliver the ships to the Government in the specified time, and we would consequently be subject to heavy penalties and consequently would be heavy losers.

Just to show as an exemplification of the words that I have just uttered, the State of Maine was called on to render to those two ships, the *St. Louis* and the *St. Paul*, and all other ships that we have since constructed, white pine for patterns; machinery, including winches, windlasses, steering gear, and so forth, from Bath; castings, iron, brass, and manganese bronze from Bath; ships' rigging and blocks, and cotton goods. From the State of Vermont came lumber, white pine for patterns; slate for electrical switchboards, table tops, and so forth; marble for sanitary fittings, and cotton goods. New Hampshire supplied us with lumber, white pine

for patterns, and cotton goods. Massachusetts supplied us with brass and copper manufactures of all kinds, sheet copper and brass, brass and copper tubes, all kinds of machinery for pumps, and wire goods and cotton manufactures. The State of Connecticut supplied us with the same things as Massachusetts; and Rhode Island supplied the same as Massachusetts and Connecticut.

The State of New York supplied us with brass and copper manufactures; large electrical appliances manufactured at Schenectady; wire rope, manila rope, machinery and pumps, and belting and all kinds of manufactures. New Jersey supplied us with products of the large iron-rope works at Trenton, and products of the very large manufactures of porcelain ware and sanitary fittings, dishes and so forth, which came from the potteries in Trenton, N. J. From Pennsylvania we received steel of all kinds; paint, hardware, oils of all kinds; machinery, coal, coke, castings of all kinds, lumber, and steel manufactured products of all kinds, including bolts, nuts, rivets, forgings, and so on. From Delaware we got iron and steel manufactures of all kinds, paints, machinery and castings; and from Maryland we received iron and steel manufactures, paints, machinery and castings. From Virginia and West Virginia we received coal and coke, iron and steel manufactures, and lumber from the spruce and hemlock country of those States.

From North Carolina and South Carolina we received short-leaf yellow pine, turpentine, tar, pitch, and lumber of various kinds. All the Southern States, in fact, and notably Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, and Texas, furnished their quota of yellow pine and pitch, and tar and turpentine, iron and steel products, coal from Georgia and Alabama, oil from the deposits in Texas, and cotton and manufactures of cotton goods. From Kentucky and Tennessee came lumber, oak and ash particularly, and coal and iron from Tennessee, and cellulose for the packing in of the sides of the naval ships. From the States of Ohio, Indiana, and Illinois came manufactures of large machinery, coal, manufactures of iron and brass products, including bolts, nuts, rivets, valves, forgings, and so on; also glass manufactures, sanitary fixtures, including the products from the potteries in Ohio, and brass and copper goods, and lumber, including oak and ash from Indiana and Illinois. From Michigan and Wisconsin came supplies of lumber from their large tracts of white pine and hard wood, and from those States also came manufactures of iron and brass products, including manufactures of copper and products of iron ore and copper ore. From Minnesota came large supplies of flaxseed, from which linseed oil is made, and also iron ore and copper ore.

From the Middle Western States, including North and South Dakota, Iowa, Nebraska, Missouri, Kansas, and from Oklahoma, Montana, Wyoming, Idaho, Utah, Nevada, Arizona, Colorado, and New Mexico, came various lumber products, manufactured products, but in smaller degree than from the East, but large products of ore of various kinds, including copper, zinc, and lead, and the pantry and kitchen utensils in the *St. Louis* and *St. Paul* came from St. Louis, Mo. From the States of Washington, Oregon, and California, which are large producers of lumber, came particularly Oregon pine, redwood, western spruce and larch, all largely used in shipbuilding; also various ores, notably copper, zinc, and lead, and liberal supplies of southern pine from California, which is a substitute for white pine.

We have received whole cargoes from those States, so that, Mr. Chairman, you see that we call upon almost every State in the Union, I might say, to render its quota of productions in the manufacture of ships. Therefore if when we make a contract with the Government for the building of naval ships we then make a contract with all the subcontractors all over the United States, the eight-hour bill would affect everyone of them and would reduce the hours of labor, so that it would cause distraction, dissatisfaction, and financial distress in almost every State in the Union.

For instance, we have now on our pay roll 3,822 mechanics. Their hours of labor in the winter are sixty hours per week and in the summer fifty-seven and one-half hours. They have for hours of rest and recreation one hundred and eight during the week, not including holidays. Their wages approximate about 30 cents per hour, or \$18 per week. Should we reduce their hours of labor to eight hours a day, each one of those men would lose \$3.40 per week. Those men, to-morrow afternoon, after being paid off, would carry home to their wives and families \$3.40 less than if they were paid for ten hours' labor.

I have mixed among our men for the last eight years in our yards and taken the sentiment that is entertained among them as to whether they wished to work less hours, and I may say to you that positively 90 per cent of those men said, "No; we are perfectly satisfied to work ten hours a day. What would our wives and children do if you would reduce our time of labor two hours per day and our wages \$3.40 per week?"

When you come to multiply that up again by the stoppage of two hours per day and twelve hours per week and six hundred and twenty-four hours per year for each individual mechanic, with the force of men working to-day in our yards, you reduce the hours of their labor two million one hundred and thirty-five thousand three hundred and twenty-eight hours during the year, at a loss to them of \$640,598.40. What would the people around Camden say and do if we would take away from them during next year \$640,598.40? It would be a dead loss not only to that community, but I consider, Mr. Chairman, that it would be a dead loss to the whole United States, at about the same ratio, because if we were to establish that eight-hour limit it would be felt all over the United States.

I might go on and speak about this matter, as I said before, for an unlimited time; but I think I have said enough, pretty nearly, to impress upon you the importance of not reporting the eight-hour bill favorably; and I hope and trust you will not report it, for the sake not only of the shipbuilding interests of this country, but for the interest of every industry throughout the whole country, because it would affect them very seriously and financially, and it would distress the manufacturers, and it would annoy them in every way and cause dissatisfaction between the people who would be working eight hours and those who are working ten hours. In fact we consider it would be the means of shutting up eventually every shipyard in the United States except those who were actually working upon Government work alone, and you can not find a shipyard at present engaged in that way. It is only the navy-yards who are doing Government work exclusively, and the result would be that the navy-yards, as we know, can not supply the needs of the United States Navy at the

present time, and it would require decades to establish more Government shipyards where solely the eight-hour system might be adopted.

One more thing I want to say: I have been a laboring man as well as connected in higher positions—that is, in official positions—and I have found that whenever we have employed men that have been employed for any length of time in a Government navy-yard, those men acquire a habit of not working quick. Their hours are less, and they acquire the habit of going along easily and quietly; and the result is that we try to avoid employing these men as much as possible. That is the opinion and verdict of every shipyard that I have ever been employed in, both in Europe and in the United States, and therefore it results disastrously to the general characteristics of a good hard-working man who is willing to render his tribute.

We are now trying to revive the maritime commerce of this nation, and I consider that it would be disastrous at this time to clog the wheels of that industry when we are exerting every endeavor to restore the American flag on the sea, and everything should be done to promote that interest. Ever since the close of the civil war the capital of the country has been engaged in the internal improvements of this country. We have built vast railroads across this continent which have been subsidized with immense grants of land, and during that time the maritime interests of the country have been sadly neglected. In fact, they have been constantly legislated against. There has not been a favorable system of legislation carried on within these walls ever since the close of the civil war in favor of the maritime interests of the country. And what is the result? England, France, Germany, Holland—a little country like Holland—Portugal, Russia, Sweden, Norway, are all coming to the front and establishing great steamship lines all over the world, and now since we have become an empire, and while the territorial line of the country proper no longer confines our boundaries and we have stepped out to the east and west and extended our empire on both sides, the little country of Japan has come to the front and is now absorbing our whole Pacific trade.

At one time, when I was a young man, during the civil war, we had 92 per cent of the commerce of the world and the tonnage of the world carried under our flag. To-day, sir, we have scarcely 8 per cent, and in the last year or two it has fallen below the 8, and we are spending two hundred millions a year to foreign flags to carry the products and manufactures of our nation to the markets of the world; and here there is legislation constantly being considered and things constantly being done to prevent the establishment of the mercantile marine under our own flag. How much better would it be, and how much more to the credit of every man in this country, if we had under our flag a sufficient mercantile marine to carry our own products, as well as to form and educate a supply of seamen for the needs of our Navy. I wish my voice could reach every man in this country.

I have gone through the experience and have been connected with maritime interests of this country from boyhood up, and I know it from A to Z. I have watched it carefully, and I have seen it rise and fall. In 1860, in one day in one of the docks of Liverpool I have counted 27 fine American ships flying the American flag, discharging American cargoes. To-day you will not find as many ships carrying the American flag in the whole world engaged in the over-sea carrying trade.

Mr. NICHOLLS. Can you tell us what legislation has been enacted against the merchant marine?

Captain RANDLE. There has not been any legislation. It has been ignored.

Mr. NICHOLLS. I understood you to say that legislation had been enacted which injured it.

Captain RANDLE. It has been injured by being ignored.

Mr. NICHOLLS. You would rather say it had not been helped by legislation?

Captain RANDLE. No; not helped, but rather the reverse. I may have said there was unwise legislation. I perhaps put it that way. I consider unwise legislation as worse than no legislation at all, because if the thing had been left to itself entirely it might have gotten along. There is a spirit in this country—I do not know why, sir—a feeling or sentiment to the effect that the seaboard is the only part of the country that is benefited by the maritime interests of the country. What I have stated in this paper alone [indicating manuscript] shows that the whole country is benefited.

When old John Roach in 1875 undertook to establish a line of steamers to Brazil, I at that time had just left the Brazilian trade and was in command of a sailing ship. Prior to that, from 1857 to 1874, I was running in the Brazil trade and knew the requirements of the Brazilian market. John Roach, with his shipyard in Chester, of which I have been a resident for forty years or more, undertook to establish the Brazilian line by building two fine ships, the *City of Sydney* and the *City of Rio Janeiro*. He was promised by the Emperor of Brazil that any assistance that he got from our Government would be duplicated by him. John Roach came down here to Congress and begged Congress to help him establish that line. Congress refused. He established it himself, but finally it failed for the want of national support. The first cargo of the *City of Rio Janeiro* on her pioneer voyage to Brazil carried 22,500 barrels of flour.

I afterwards got into the trans-Atlantic trade and was carrying passengers backward and forward across the Atlantic, and I came across several Representatives and Senators that had voted against any assistance being given to John Roach and the Brazilian steamship line, and I asked them, "Why did you vote against that measure?" They said, "Why, we do not want to use the people's money, or the nation's money, for the benefit of John Roach and the seaboard cities." I said, "You have a mistaken idea about it. Those ships carried 22,500 barrels of flour to Brazil. The wheat from which that flour was made was grown in Wisconsin and Iowa and other Western States, and the mills that made that flour were in those States." They were farther away then, relatively, you know, than they are now. The barrels that the flour was in were made of wood that grew in the West, and the coopers that made the barrels made them out in the West, and the flour itself was made in the West, and that flour came down to the city of New York and there went on board the steamer, and of all the money which that flour brought in Brazil, seven-tenths of it, went to the western farmers and millers and coopers, and only three-tenths of that whole money remained on the coast. Does not the maritime commerce benefit the whole country in that way?

You could go on and exemplify it in a hundred different ways. I could talk here on the maritime interests of this country, sir, from



now until doomsday. I wish I could impress upon the minds of every Representative in Congress and every Senator in this Capitol the importance of using his every endeavor to establish the maritime interests of the country. It is a crying shame, sir, that we have not our flag floating in every harbor of the world, and it is entirely our own fault. This broad country has advantages that no other country in the world has for such an interest. We have the finest coast lines, the greatest and grandest rivers, the finest harbors; we have inland seas; and what do we do? We sit right down and allow other nations to come and take all our advantages and reap all the benefits of what we ought to enjoy. We allow other nations to carry away \$200,000,000 of our gold yearly, which we never see again.

Mr. NICHOLLS. Don't you think the reason why there is not more money invested in ships by Americans is because they are able to earn larger dividends on the internal business of the country, and would rather invest it there for that reason?

Captain RANDLE. No, sir; I do not think so. I think that it only needs Government assistance—that is, Government support. It makes no difference how small it is, sir. We know that from sentiments that we have heard expressed from different individuals. When we established the New York Shipbuilding Company in Camden, Mr. Morse got the sentiment of a large number of merchants in our different seaports, and they said, "Just as soon as Government support is given us we will give you an order to build one, two, three, or four ships," and even with that slight intention, or the thought that the Government was going to do something, we got a contract to build those great ships the *Mongolia*, and the *Manchuria*, and the *Massachusetts*, and the *Mississippi* for the Atlantic Transport line—a line ostensibly English, but owned really in the United States. If there had not been at the time pending a measure in these halls, we would not have got that contract, and here was about \$8,000,000 altogether, or nearly, for those ships, distributed all over this country, which the country would not have had if it had not been for the thought that the Government was going to help the maritime interests of the country.

Mr. NICHOLLS. Is it your claim, Captain, that the provisions of this bill will apply to all of the men laboring or engaged in the various industries that provide materials for the construction of the ships?

Captain RANDLE. Yes, sir; this bill will certainly embarrass every establishment which we call on. If we have a contract to build a battle ship, for example, of which we have two at the present time, and we call on every industry in this country to supply its quota for the manufacture of that ship, why every one of those industries will be embarrassed, and very much so, indeed; so much so that a number of them will say, "No; we do not wish your contract. It will embarrass our establishment so greatly that we will not take it at any price."

Mr. NICHOLLS. How would you interpret that provision that excepts articles and materials that can be bought in the open market, whether according to specifications or not?

Mr. DAVENPORT. Materials that are usually bought?

Mr. NICHOLLS. Yes.

Captain RANDLE. The standard of the Government to-day, sir, is so far above the ordinary manufactured goods that are sold in the open market that they have to be manufactured specially, under special specifications. No manufacturers keep them in stock. The specifications are so binding and so far above the ordinary manufactured goods that are sold in the open market for the merchant marine that no manufacturer keeps them in stock. They have to be made specially. Therefore, we would have to ask all these manufacturers to manufacture them especially for that particular contract, which is a Government contract, and therefore the mechanics and operatives employed by that manufacturer would have to work during that time, on that particular contract, eight hours.

Mr. NICHOLLS. I think you mentioned coal in the list of supplies furnished by the different States, and used it in that connection?

Captain RANDLE. I wanted to show, sir, that we call upon every industry in this nation to supply its quota for the production of a complete ship.

Mr. NICHOLLS. Did you mean that the eight-hour day would affect the production of coal which would be supplied to the Government?

Captain RANDLE. Yes; I consider it so, for this reason: We want, say, two thousand tons of coal to put on board the *New Hampshire* to take her on her trial trip. The question is whether or not we especially ask for hand-picked coal. You know it has to be hand-picked for a trial trip. Those people that hand pick that coal can work only eight hours. They must stop as soon as the eight hours are terminated. They must not work any longer, whereas the people right alongside of them in the breaker are allowed to work ten hours. Therefore, I hardly think you can call for any commodity that would not be affected directly or indirectly in that way by the provisions of this bill.

Mr. KNOX. I would like you to explain to the committee how the Government sends special inspectors around to the different places where we buy our material.

Mr. DAVENPORT. May I ask Captain Randle a question?

The CHAIRMAN. Yes.

Mr. DAVENPORT. How long have you been engaged in the manufacture of ships?

Captain RANDLE. My first experience in the manufacture of ships was in the year 1873, when in Cramp's shipyard they built four steamships for the American Line.

Mr. DAVENPORT. Have you general knowledge of the way it is done in the shipyards of the world?

Captain RANDLE. My next experience was building two ships for the International Navigation Company in 1878 with Barrow in Furness. My next experience was at Laird's yard at Birkenhead, in building two ships in 1883, opposite Liverpool. My next experience was in building the *New York*, the *Paris*, and the *Friesland*, in 1887, at Glasgow, on the Clyde. I was in those three yards about eight years altogether, sir, and afterwards I was transferred to the Cramp's yard to superintend the building of the *St. Louis* and the *St. Paul*, in 1894 and 1895, so that I had an opportunity to judge and know of the methods by which ships are built here and abroad, and the methods of the employment of labor.

Mr. DAVENPORT. Do you know of a shipyard in the world where the mechanics and laborers are prohibited from working overtime for overtime pay?

Captain RANDLE. How is that? Do I know of any shipyard?

Mr. DAVENPORT. Yes.

Captain RANDLE. Not at the present time.

Mr. DAVENPORT. Is there a shipwright or mechanic of any description in any shipyard in the world who is prohibited from working overtime for overtime pay?

Captain RANDLE. No, sir.

Mr. DAVENPORT. And this law, if applied to American shipyards, would make a distinction adverse to our yards, and a discrimination as against every shipyard elsewhere in the world?

Captain RANDLE. Yes; it certainly would.

Mr. DAVENPORT. Do you employ union and nonunion men in your factory?

Captain RANDLE. We never ask them what they are, whether they are union or nonunion men.

Mr. DAVENPORT. They are in fact union and nonunion men?

Captain RANDLE. I do not know as to that.

Mr. DAVENPORT. Do you suppose so?

Captain RANDLE. I do not know. So long as they do a fair day's work for a fair day's pay, we do not care whether they are union men or nonunion men.

Mr. DAVENPORT. Do you know of a man, union or nonunion, declining to work overtime for overtime pay?

Captain RANDLE. No, sir.

Mr. DAVENPORT. Your understanding is that the purpose of this bill is to strike the workingman's right to work overtime?

Captain RANDLE. Yes. It interdicts him from being a free agent.

Mr. DAVENPORT. What would you say from your knowledge of the workingmen of your yard as to whether they would favor or resent the passage of such a law restricting that right to work overtime?

Captain RANDLE. From the sentiment of thousands or more, for I have particularly asked them on that matter and they have given me their views, I would say they consider they were free American citizens and had the right to work as long as they choose if they were paid for it. That was the sentiment expressed by a thousand men working to-day in our yard, and I know if I were to take and ascertain the sentiment of the whole 4,000 it would be just about the same, because the men I spoke to in the yard at different times were good representative men; good, steady mechanics who had wives and families and homes close to our yard; and I know that the sentiment of our yard is that they do not wish to be deprived of that two hours' extra work, and we find them always ready, when called upon to work overtime, to help us out on a contract to be delivered on time. They have always been glad to respond.

The CHAIRMAN. Judge, are we getting at the point we want in all these questions? I presume we all take it for granted that no body of men want to be reduced to eight hours as the limit of their working day if their pay is to be eight hours' pay. I presume that every man would prefer an eight-hour workday for ten hours' pay, but the question is, Would the workingmen favor an eight-hour unit of labor? If you state the proposition one way everybody wants it, and if you state it the other way everybody is opposed to it.

Mr. DAVENPORT. Stating it the other way would not state it fairly. Would they want to be limited to eight hours' time in pay, when by working overtime they would be entitled to extra pay for overtime?

The CHAIRMAN. I suppose they would not want to be limited.

Mr. DAVENPORT. Now, in the shipbuilding industry are there any branches of it where the work can not be done on eight-hour shifts? Is there any part of the work where it would be impracticable to have the men work eight hours?

Captain RANDLE. It occurs to me there would be, Judge. When we send an order for a bedplate for an engine for a battle ship, or a rudder, the molder when he places the pattern in the sand can not stop at eight hours. If he does he would ruin the whole work. He must finish it. That molder can not stop at the end of eight hours in that foundry. But under this bill he can not work any longer if he is working on a Government contract.

Mr. DAVENPORT. Are there many other branches of the same character?

Captain RANDLE. Well, I do not know. There are many things that might be injured by the stoppage of work at the expiration of eight hours. But what would be the most disastrous to our interests, the shipbuilding interests, Judge, would be the working of a part of our men on merchant work ten hours and a part of our men on Government work eight hours. I do not believe any works in the world can carry on the two systems under the same roof. It can not be done. My knowledge of the workingmen that I have mixed with all my lifetime convinces me that it can not be done successfully. It would be disastrous, both financially and to the discipline of the yard, and it would create dissatisfaction among the employees throughout the entire establishment.

Mr. DAVENPORT. Do the same men often working on Government work any part of the day on private work?

Captain RANDLE. Yes; quite often.

Mr. DAVENPORT. Then how would it be possible, unless this law became a dead letter—how would it be possible to keep track of those?

Captain RANDLE. It would be easy enough to keep track of a man, because directly he is called off the Government job he makes a note. That is done occasionally; but the majority of men, of course, are working on the job until it is finished. They are put right on a Government ship and work right through that whole piece. There are times in great emergencies when we may perhaps call off a certain portion of them, say this morning, and billet them on another job.

Mr. DAVENPORT. If that occurred, how on earth could the matter be kept track of so that the Government would know how this contract was being lived up to? Would it not take a great many inspectors?

Captain RANDLE. My dear sir, it would take almost as many inspectors as there are men working there.

Mr. NICHOLLS. Do you now usually keep account of the time of the men who work on Government contracts in your yard?

Captain RANDLE. Yes; so that we know how to pay them.

Mr. NICHOLLS. Suppose one of your men works so many days or hours on Government work and so many days or hours on other work. Do you keep track of that now?

Captain RANDLE. Oh, yes.

Mr. NICHOLLS. You do that in order to keep track of what the Government work costs?

Mr. KNOX. There is some work where it is mixed.

Mr. NICHOLLS. With some work you do, and with some you do not?

Captain RANDLE. Yes, sir.

Mr. RAINEY. You would not be willing to undertake to build a battle ship in your yard if this bill became a law? Is that your position?

Captain RANDLE. Not if we could get any other work to do, sir. We would not touch any Government work under those conditions.

Mr. RAINEY. Then the effect would be to compel the Government to build its own battle ships?

The CHAIRMAN. A statement was made here, Mr. Rainey, just a moment before you came in, that we want you to get. This gentleman had stated that in the building of a battle ship they got material from Massachusetts and Maine and New Hampshire and Vermont and Pennsylvania, New Jersey, Kentucky, the States of Washington and California, and perhaps some other States, and it follows necessarily that the Government itself, for instance, in building a battle ship, using like materials, must get them from an equal number of States. That goes to the practicability and possibility of the Government itself making those eight-hour contracts in those several States from which the materials come, and bears back upon the question as to whether the building of the *Connecticut* under the eight-hour system would apply, except in the assembling of a ship in the navy-yards; as to whether all other work involved was not done in a dozen or more States from which the material was drawn. That went into the record just before you came in.

Mr. RAINEY. Yes.

Mr. HAYDEN. Has it been suggested that the subcontractors who furnish the materials have adopted the eight-hour system?

The CHAIRMAN. It has not been assumed that they were included.

Mr. HAYDEN. I think I can prove it.

The CHAIRMAN. This is a statement as to the number of States from which the materials were drawn, and the States in which there must have been subcontracts. That has not been put into the record at any hearing heretofore. If the materials of a battle ship are drawn from an equal number of States, even though the ships were built in a navy-yard, it would appear to be true; the eight-hour system being enforced nowhere except in the navy-yard itself, where it is only in the assembling. I do not know what it is called in shipbuilding, but in making the same machinery it is called "assembling."

Captain RANDLE. You are right.

The CHAIRMAN. Only the mere assembling of the ship would be under the eight-hour system. The statement brings that view out, and it has not been brought out before, that I remember, in any hearings.

Mr. DAVENPORT. If the Government undertook to build a ship in its own navy-yard, it would be still obliged to make contracts with people outside to supply these different parts that would come under this bill?

Captain RANDLE. Yes, all over the land.

The CHAIRMAN. Probably as many States as the contract for the *St. Paul* reached?

Captain RANDLE. Yes.

Mr. RAINEY. Is it not true that the building of a battle ship nowadays is simply an assembling of parts, anyway?

Captain RANDLE. Of course it is, after those parts arrive in our yard.

Mr. RAINEY. Has there not been great progress made since 1895 in the matter of building battle ships and in the rapidity with which they can be built?

Captain RANDLE. Yes.

Mr. RAINEY. Is it not true that the methods of building battle ships have simplified greatly in the last ten years?

Captain RANDLE. No, sir; they are not simplified.

Mr. RAINEY. How long does it take you at your yard to launch a cruiser of ordinary size, after the keel is laid?

Captain RANDLE. Twelve months.

Mr. RAINEY. Is that the best you can do?

Captain RANDLE. That is the best we have done.

Mr. RAINEY. Do you know anything about the building of the Japanese armored cruiser *Ibuki*, which has just been launched?

Captain RANDLE. I do not know anything except what I have read in the papers.

Mr. RAINEY. I have here a clipping from the New York Herald of February 16, 1908, which I will read to you [reads]:

JAPANESE MAKE WAR SHIP RECORD—CRUISER IS LAUNCHED AT KURE SIX MONTHS AFTER THE KEEL WAS LAID—ALL NATIONS LEFT BEHIND—SPEED CONSIDERED REMARKABLE WHEN IT IS KNOWN 1904 MARKED START IN SHIPBUILDING.

The Japanese naval office is congratulating itself and the vernacular press of the Empire is filled with praise over the feat recently accomplished of launching the first-class armored cruiser *Ibuki* from the Government shipbuilding yards at Kure, within six months after the laying down of the keel, says the Washington Post. Not only do the Japanese believe that they have beaten all previous records for speed in the construction of war vessels of this class, but the *Ibuki* also is unique because of the fact that from keel to fighting top she was built entirely of materials forged and put together in Japanese Government yards.

The cruiser *Ibuki*, which was launched by Prince Higashi-Fushimi on November 21, is a sister ship to the *Kurama*, recently launched at the Yokosuka yards. Her length is 450 feet, beam 75.6 feet, and displacement 14,000 tons. Fitted with the Miyabara boiler, the invention of a Japanese naval officer, and the Curtis turbine, the *Ibuki* is expected to develop 22,500 horsepower.

Both the *Ibuki* and her sister ship, the *Kurama*, were designed by Japanese naval engineers, as all of the battle ships recently built in Japan have been. The keel was laid at Kure in May, 1907, and immediately a double force of men was put at work. The naval office denies that any special effort was made to rush the cruiser through to completion, but the Japanese papers say that the bureau was not averse to a demonstration of just how quickly a fighting machine could be turned out by its artisans.

Every ounce of steel used in the construction of the new cruiser came from either the Kure Steel Foundry, which is a part of the great naval plant at that port, or the Wakamatsu Iron Works, an independent concern subsidized by the Government. Heretofore Japan had been dependent in a greater or less measure upon England and America for armor plate and until very recent years for the heavy guns and turret parts, but in the case of the *Ibuki* even the armor-plate ingots were stamped into shape and the turret plates forged at the Kure and Wakamatsu foundries. No persons but Japanese were admitted to the yard where the *Ibuki* was built during the course of her construction.

The speed in building the *Ibuki* was almost equaled in the case of the first-class battle ship *Aki*, which was launched from the yards of the Kure plant some months ago, just eight months after her keel was laid. The *Aki* is of 19,000 tons displacement. In her case night and day forces of men were employed and the naval office strained every nerve to get the big boat into the water as soon as possible.

The ability of the Japanese shipbuilders is remarkable when the fact is taken into consideration that prior to the summer of 1904 nothing bigger than a gunboat had

been built at any of the Government yards. Under the spur of war the naval office began to build its own ships and to equip its plants as rapidly as possible for perfect independence of American and English manufactories.

Kure, on the Inland Sea, and Yokosuka, in Tokyo Bay, are both in inaccessible pockets, because of the narrowness of the entrances to the Inland Sea and the channel leading into Tokyo Bay and the tremendous fortification works that have been put at each avenue. Were the existing Japanese fleet to be swept from the sea another could be built at these two plants secure from the guns of an enemy unless the island itself was successfully invaded.

Now, if the statement appearing in the New York Herald, which I have read, states facts, it would not be such a great disaster to this Government, after all, if we are able to do what the Japanese do—and I assume that we are able—if you and all the rest of the shipyards should refuse to build war vessels or any armored cruisers, would it?

Captain RANDLE. I do not know.

Mr. KNOX. When was that ship launched?

Mr. DAVENPORT. Is there any statement there that the men working on that ship were confined to eight hours a day?

Mr. RAINEY. They worked two shifts.

Captain RANDLE. That statement in the New York Herald is very obscure, because it does not say how long they were engaged in preparing the drawings and how long in assembling the material entering into the construction of that ship. If you have had every drawing made and every bit of material that entered into that ship, up to her fighting tops, assembled in the yards before the keel was laid, the work could be begun at once. In cases where we have not had an empty slip we have gone right ahead with the contracts on our books and bought the material, and got it all ready for assembling, and then as soon as we had an empty slip we laid the keel, and in ninety days we had the ship in the water.

Mr. RAINEY. But in Japan, if this statement is correct, they have been able to turn out quite a large number of warships since 1904 in a remarkably short time.

Captain RANDLE. It takes a great deal longer to complete a ship. When a ship goes into the water, she is very far from being completed.

Mr. KNOX. They sometimes launch them when they are as low as 38 per cent done. I think that ship was intended to be equipped with Curtis turbines, and they have not left this country yet.

Captain RANDLE. It is estimated that they launched the *Dreadnought* in six months.

Mr. RAINEY. Where was the ship *P. A. B. Widener* built?

Captain RANDLE. I can not say. I do not know.

Mr. RAINEY. I have here a clipping from the Cincinnati Enquirer, reprinted in the Washington Post of December 27, 1906. It says [reads]:

MAKING STEEL SHIPS—THEY ARE NO LONGER BUILT, BUT ARE MANUFACTURED—TURNED OUT IN RECORD TIME—THE CONSTRUCTION OF METAL VESSELS HAS BECOME A FINE ART, IN WHICH THE VARIOUS DEPARTMENTS MUST WORK TOGETHER WITH INFINITE CARE.—SIMPLICITY OF METHODS REVOLUTIONIZED TRADE.

Under the head of "Occupations in the United States" the census of 1906 gives to the steel and iron workers the number 203,295.

The operatives engaged in metal shipbuilding, it will be found, constitute but a fraction of the aggregate figure. The bulk of the numbers given is made up of the steel-mill workers and those engaged in the various metal-working trades.

When the tonnage capacity produced is considered, there never was a time in the history of modern shipbuilding when the actual performance and results outweighed in such notable degree the proportionate expenditure in labor and its cost. When a vessel like the *P. A. B. Widener*, 600 feet in length, is built in four months, with three strikes to contend with, and could have been finished in ninety days from the time its keel was laid had no hindrance intervened, the situation shows that greatly simplified methods have obtained in ship construction. This has been effected mainly within the last ten years. "We no longer build ships, we manufacture them," remarks a directing operator. A similar declaration may be made at the Baldwin Locomotive Works, in the Quaker City, and the watch factory at Elgin, Ill.

It simply is a matter of forming the requisite unit pieces to gauge and template and then assembling them in mass for ship, locomotive, or watch.

#### MUST COMBINE WORK.

Comparatively certain branches of the shipwright's work may be classed as a ruder art than is that employed upon the engine, when the relative skill of operatives in handicraft and in power machines is under review; still it is out of place to note anything but the means provided to accomplish certain ends. Every man to his trade, every machine to its own task, is the sane allotment.

The ship is a mass of matter which moves in bulk, each joint in its make-up rigidly fastened. This, though Kipling's Scotch marines contend that the rigid hull must be "sweetened" in the give-and-take process to be imposed only by the living gale and its ally, the thundering seaway, until the "reegeedity" is neutralized.

The initial work in shipbuilding must embrace in due order that of the designer, the draftsman, and the operatives of the molding floor.

The process of "molding up" from small-scale, blueprint drawings belongs to the fine arts in ship construction. It is a responsible occupation, and no mistakes can be tolerated.

For here, on a clean, bare floor, with dimensions of 240 by 125 feet, the lines of the ship appear in the required form and in sharp and firm white lines. They represent the fractional scaled dimensions of the blueprints, but they represent them in full-size extensions.

#### GRAPHIC TRACINGS FOLLOWED OUT.

By these graphic tracings thin strips of basswood are laid down, tacked lightly into position, and duly formed into gauges or templates, from which the yard shops engaged upon material must be guided in their work. The strip templates are stiffened to form and are sure not to lose their lines. They go to operators of power machines in the shops and in the yard, where portable machines are used.

Where the "run" or angle of any piece in the framing and covering of the hull calls for special fitting it receives it from an operative in charge of the form or power rollers. He takes a strip of band iron stiff enough to retain any form his hammer may give it to the hull frame, and fits it carefully, returns to his machine, and runs his material through the rollers until it fits the simple gauge.

But the real gauge work is done on the capacious molding floor of the American Shipbuilding Company and enmirrored with lofty sides of glass it makes an ideal workshop. Every piece of the ship structure is said to be molded here, even the plain lap plates, whose change from the flat rectangle must in curving lines be slight indeed. No rude sounds, no shade of discomfort obtains in this arena of blueprints and delicate basswood strips. In this regard it is a rest cure that forbids any tendency to nervous prostration.

The simplicity of the methods in vogue here in work of vital importance marks a wide departure from the building up of a model in such a shop, as was once the custom.

#### USED TO MAKE MODELS.

Only a few years since, at Dumbarton, near the Scottish Clyde, the ship on a reduced scale was made in model and floated in a water tank 200 feet long. In the Chester yard, on the Delaware, the more expensive methods were also in use. As a factor in reducing an otherwise multiple expense account, the simple "pattern" shop fills the bill.

Apart from it and on the yard level is the main shop, which receives the material in steel, the crowding tonnage in plate, and the various structural pieces. The markers, templates in hand, lead off here in preparing jobs for drilling, countersinking, shearing, punching, cutting, and rolling. Work that may be done in the open acreage of the yard is promptly to be treated there, by portable machine tools, to boring, riveting, reaming, and chiseling.

Whole sections can be framed up here and masses of any bulk or weight brought within the grasp of the great traveling cranes can be promptly put in position on



hull. A forge shop and rivet factory work under one roof in this group of shops, the former with steam hammer and several anvils in active use, while the rivet "chugger" shows an appetite for devouring  $4\frac{1}{2}$  tons per day of fine, soft bar steel and turning it into rivets.

#### STEEL SHIPWRIGHTS.

The section lengths of the vessel's keel come from the Cleveland, Ohio, forge works and are welded in the local shop.

"What anvils ring, what hammers beat,  
In what a forge, and what a heat  
Were shaped the anchors of thy hope,"

conveys a sentiment more correctly applied to the great steel mills and their processes, to the special forge plants as well, rather than to their product in the cold material of which ships are made.

From what sources are the ranks of the steel shipwright recruited? Does the apprenticeship process, that of "the cub" to the mechanic's status, obtain here? Hardly; the rivet heater may pass in due time from this little forge where he is a true white-heat expert, to the place of riveter. Then there are intelligent helpers and the entire operation of bolting up; that of the screw strain, the hammer blow, the driving home and finishing of the head are matters of familiar observation. If a youth be sturdy and strong in wind and limb, he is aching to play some higher notes in the anvil chorus, and if not afraid of trifles he will "land." The trade of the boiler maker is in certain points so near akin to the work on ships that, minus serious "agony," he may pass from one to the other.

Like the structural steel worker in the building art, they are all cold-metal mechanics, though they want their "buttons" white hot. Then, there is the blacksmith as a recruit for a gap in the lock yard ranks. Naturally, and with few false motions, he should line up with the ship mechanics and grimly hold his own. He must be skillful as well as glib, for a duet with two hammers is a different affair from a solo with one.

#### CHANCE FOR A FREE LANCE.

Any mechanic trained in the heavier lines of iron and steel work, any machinist handy with a good hammer—not one of the tack pattern—might come in as a free lance here. It's a task where the hammer is king, and this tool in the hands of a master is capable of more efficiency than the average observer dreams of. It is not merely a question of drive and impact; it is the manner in which the blow is delivered; nor is the dominion of the hammer confined to the riveting and cold point closing sphere in its use. In the awkward way this tool can be applied in repeated blows and not effect the result looked for, when a single blow in true hands will do so.

It is an easy transposition in rough mechanism that would find the steel hull operative quite efficient in performing the locking home stunt in the structural steel buildings. But certain operations which the vessel man performs readily would present no trifling setbacks to the other party.

Overhead riveting under the great expanse of a vessel's hull takes "the tuck" out of any man unused to it. Muscular energy of arms and legs is taxed severely. While the building operative occupies a far more perilous calling than the other, the process of hammer action is for him far less severe. In both cases the units of material are marked and finished. The workers do the closing act in the hot clinch of contacts.

#### A RAPID-FIRE TOOL.

The ship riveter on the water surfaces at least has no fine cone heads to fashion. They drive and fill the counter sink in the sheet, and when that is done change instantly to the sledge and hand chisel, chopping off any projection, for the surface must be flush and show no "warts."

In any work where the operative may stand above it, gravity is his helper, but the contrary is overhead work, where he must lift and strike while the iron is hot, bracing up to his feet soles against adverse conditions.

Under the improved processes one hardly would expect to find a "holder on" of the genus homo in existence at all. This once indispensable link in the rivet fastening chain of labor had to be "on to his job" and be a veritable bulldog in grip and tenacity.

He still exists, but is not on dress parade at all.

The pneumatic tool, something much smaller than himself, he can plant, guide, and control, while the shuddering imp, air driven and fiercely impatient, does the work with multiple bulldog power.

Veteran operatives in this calling speak of the hand calker as little more than a memory now. They refer to him as a prime factor in the labor sum in the days when crowds hastened to view the launch of the iron ship and marveled that it did not sink. Nearly the identical tool which he used is visible now, but entirely disguised in its pneumatic harness—a small cylinder case, with short-stroke piston action, and a weight of only 12 pounds. It strikes a 50-pound blow, and in the calking work its action is upon the square edges of the wide sheets.

Under the slow régime they were planed to a level that left the projecting edge to be closed and driven in to secure a water-tight joint.

A rapid-fire tool, the pneumatic calker, does the joint work now. It is handled by a single operator, and while the task of holding it firmly to its work is by no means an easy one, it will finish 400 linear feet per day of nine-hour piecework. The tool impinges upon the upper surface, taking about one-third of the edge, until it "set home," not to any narrow edge contact, but full, well backed in solid metal, continuous, regular, and displaying a good finish.

Outside of this branch of a great industry pneumatic and electrically driven tools have a wide application. In steam-boiler work as in vessel construction their use is extensive. Obviously, the bulk of work for the compressed-air device is rivet driving, and with machines, according to their duty, weighing only from 12 to 24 pounds. In a three weeks' test at this shipyard in fastening 93,840 rivets an economy as against hand work of 47 per cent is said to have been shown.

#### DISPLAYS IMMENSE EFFICIENCY.

However this may be, the device displays immense efficiency in a small compass of bulk and weight. It represents air untamed and uncushioned, and there appears to be small chance of upholstering its business end in soft material. The man behind this gun never will suffer from any ordinary racket. It ought to be a favorite with the Japanese.

The operator must be an ironclad, and attuned to the harmony of vibration run mad, for when the thing is alive and no leaks in its energy the shuddering voltage assails his entire anatomy from his scalp roof to his toe nails.

It fails to shake him out of his boots because he has learned to chum with the dwarf that becomes the giant soon as its lungs are filled.

Delicate people, prone to crave for mercy when beneath the roar of elevated trains, would become maniacs in the embrace of the pneumatic imp, and he must be embraced or he won't "be good." But how shall widely varying tastes be accounted for?

One lover of pneumatic-power machines has a brace of telephones within 30 feet of another brace of pneumatic calkers. Noticing the boss about to call up "Central" one day, a new operative remarked, "Will I stop the twins, Mr. B.?"

"Oh, no," was the answer. "Let them rip, my man. I'd be lonesome without them."

Mr. KNOX. The *P. A. B. Widener* is a great big steel box.

Mr. HAYDEN. Will you not develop that, Mr. Knox?

Mr. KNOX. I do not know enough about the ship to do that.

Mr. MCGREGOR. It is simply a hull, shaped and tapered off at both ends.

Mr. RAINEY. Did you ever see the vessel?

Mr. MCGREGOR. She is a very large vessel. I have seen her photographs and have read the accounts of her launching.

The CHAIRMAN. Let us just get this into the record for what it is worth and all it is worth. In the ordinary course of shipbuilding—and I may say that I grew up alongside of a shipyard—is there much significance in the mere statement of time between the dates at which the keel of a ship is laid and the date at which the hull is slipped into the water?

Captain RANDLE. How is that, Mr. Chairman?

The CHAIRMAN. I say, does the time between the laying of the keel and the slipping of the hull off the ways into the water bear any important or definite relation to the time required in the construction of a ship, meaning by "the construction of a ship" the time consumed from the beginning of the preparation of the material until she is finished and equipped and rigged and ready to go to sea?

Captain RANDLE. No, sir; from the time the keel is laid until the ship goes into the water it depends very largely on the usage of the yard. We have such a fine application of overhead trolleys in our yard that we keep a ship on the ways until she is about 65 per cent finished; that is, we put the engines and boilers and smokestacks and everything, almost, on her, unless she is a very large ship; we put all the machinery in her before she is launched. Other ships, heavier ships, we will drop into the water when they are only 35 per cent finished. There is no hard-and-fast rule when a ship shall go into the water. It varies from 35 per cent to 65 per cent finished. We have put some of our ships in at 73 per cent.

Mr. MCGREGOR. So that it might be, that by keeping a ship longer on the stocks, you could complete her really in a shorter time?

Captain RANDLE. Certainly; oh, yes.

Mr. KNOX. Tell about putting the armor plate on.

Captain RANDLE. In the case of the cruiser *Washington* we put the plate on until she weighed somewhere like 8,500 tons.

Mr. HAYDEN. Her main belt had been put on?

Captain RANDLE. Yes; a large portion of it had been put on.

Mr. HAYDEN. Had you the upper casemates on?

Captain RANDLE. A good portion of them were on. We put more armor upon the cruiser *Washington* than upon any ship since, because it suited us to do it, and we finished that ship within a month less than the actual contract Government time.

Mr. HAYDEN. What percentage had she advanced toward completion when you launched her, approximately?

Captain RANDLE. I think it was somewhere between 57 and 60 per cent. I think she was 60 per cent finished, the *Washington* was, when she went into the water.

Mr. HAYDEN. And that you accomplished in about twelve months?

Captain RANDLE. Yes; eleven months and a few days.

Mr. NICHOLLS. How many shifts do you work in your yard?

Captain RANDLE. Only one. We do not think it practicable to work any more.

Mr. NICHOLLS. What is the length of the working day?

Captain RANDLE. Ten hours. We could not work a second shift. It would be almost impracticable, for the very reason that the work that would be done by the second shift, if a second shift could be gotten together, would not be as good as the work of the shift employed during the daylight. Our electric light casts such intense shadows that we can not work around that light with a shift during the night. We would not attempt it.

Now, do any of you gentlemen wish to interrogate me further? If so, I would be pleased to answer any question you may propound.

Mr. NICHOLLS. Have you ever had any demands from your men for shorter workdays?

Captain RANDLE. No, sir; never.

Mr. NICHOLLS. You never had any?

Captain RANDLE. No, sir; never.

Mr. NICHOLLS. How long have you been with the New York Shipbuilding Company?

Captain RANDLE. Since its first organization in 1899.

Mr. NICHOLLS. Have you, in any other firm for which you worked, had demands for a shorter workday?

Captain RANDLE. No, sir; never.

Mr. DAVENPORT. You spoke about working in the yards in Scotland.

Captain RANDLE. Yes; on the Clyde.

Mr. DAVENPORT. That is a much higher latitude than the United States, and the days in the summer time are much longer?

Captain RANDLE. Very much.

Mr. DAVENPORT. And the practicability of working a longer period in the day is greater there than in the United States?

Captain RANDLE. Yes; during the summer there is more twilight.

Mr. DAVENPORT. What significance is there in that statement in the article read by Mr. Rainey as to two shifts? Is there anything to indicate that they are eight-hour shifts?

Captain RANDLE. I do not know as to that. But where you have an extended amount of daylight it is possible to work double shifts.

Mr. DAVENPORT. It is impracticable in the United States?

Captain RANDLE. In this latitude; yes.

Mr. RAINEY. You do not have more daylight in Japan than you have here, do you?

Captain RANDLE. I do not know what the latitude of that shipyard is.

A BYSTANDER. It is between 39 and 40°.

Mr. RAINEY. That is about what we have got.

Captain RANDLE. We are between 35 and 39. New York is 40.

Mr. RAINEY. You do not admit that you can do as well as they do in Japan?

Captain RANDLE. We can do as well here as in any country in the world. But the proposition has been made to work double shifts, and that is impracticable and impossible.

Mr. RAINEY. On account of lack of daylight?

Captain RANDLE. Not so much on account of lack of daylight, but with an electric light, an artificial light, we can not work under an electric light with safety to the men and with advantage to the work. Those arc lights throw intense shadows, and you can not work safely with it when you have immense scaffolds with men working around on them. We have already had a number of our men fall down off the staging, because, as they said, "I thought I was there." They were not there. They thought they saw a solid substance in front of them, and it was only a shadow. It would endanger the lives of our men to work around a ship at night in that way, so long as it was on the ways.

Not only that, but we would have to organize a whole double set of superintendents and engine drivers and power-house employees and everything else, and then what would be the result? Just as soon as this particular Government contract was finished these 1,500 or 2,000 men would be turned adrift, sent broadcast. We would have to say, "You are done now; you have to go." You must understand that they have brought their wives and families with them and have come to work on the double shift and have settled near the yard. The next time when their services would be required they would say, "Oh, no; I will not go there, because when you are done with me you will throw me overboard."

Mr. RAINEY. When they build the same kind of ships in Japan, don't you think they would have to confront the same problems?

Captain RANDLE. I would not compare a Japanese with an American. I do not know of their methods of labor or conduct of their

yards. Comparisons are odious, and I would not put a Japanese alongside of an American mechanic. The Japanese will do anything they are told to do; they are a very industrious set. If they are told to work all night they will do it, and if they are told to walk up to the muzzle of a loaded gun they will go there, because they think death is honorable, and they think they will immediately go to heaven when they are killed. Why are we excluding them now, may I ask?

Mr. RAINEY. Leave out of account the fatalism and disregard for human life that prevails in the East.

Captain RANDLE. I have great respect for the Japanese on account of the great progress they have made in civilization and in the mechanic arts, but—

Mr. RAINEY. It takes skilled workmen to build war ships, does it not?

Captain RANDLE. Yes; but where did they learn it? When I was in the Clyde bank yards in 1887 there were 47 Japs there learning shipbuilding. They go back home and do exactly as they have seen others do.

Mr. RAINEY. They have learned here as well as in other yards?

Captain RANDLE. Yes.

Mr. RAINEY. They have profited by the shipbuilding in all the countries of the world?

Captain RANDLE. Yes.

Mr. RAINEY. And the result is that they are turning out ships more quickly than you are?

Captain RANDLE. No, sir; I do not admit that. Under the same conditions, we can turn out work just as quick as they can. If we have a contract to build an armored cruiser and we are ordered to build her just as quick as we can, I will guarantee, Mr. Rainey, that we will turn that ship into the water in less than six months.

Mr. RAINEY. I think so, too. That is what I am trying to get you to say.

Mr. TRACY. Captain, when the employees in the metal trades eight or nine years ago attempted to inaugurate a nine-hour work day, did not a number of your employees quit because you would not grant them a nine-hour day?

Captain RANDLE. I do not recollect such a circumstance. Our men, from the day that yard was started, sir, have been the most satisfied lot of men that I ever congregated with, with very few exceptions. There are advantages that the New York Shipbuilding Company enjoys that other shipyards do not enjoy, and one of them is that our men can make full time from New Year's Day to Christmas Day. They are never exposed to the elements; they are protected from the sun, and they work from the time the keel is laid until the ship goes to destination, and they work on full time, and every Saturday they walk up and get a full envelope; and that is the reason why the New York Shipbuilding Company to-day enjoys the best reputation for employing mechanics all the year round, and we have 4,000 men there that we are proud of, and who are willing to support us in any shape or form, and are willing to work overtime at any time we call for them. On second thought I recall that between 20 and 30 knocked off work and left the works, but returned in a few days to be reinstated.

Mr. TRACY. The reason I asked you that was that I attended meetings of men in Camden who claimed that they were employees of your

shipbuilding company and had asked for a reduction of hours from ten to nine, and were refused, and quit work.

Captain RANDLE. I do not recollect it, and I was among the men every day; except as to the one instance before stated.

Mr. VREELAND. I was interested in your statement as to the time and speed in which or with which you can build a battle ship for the Government, if necessary. What is the shortest time that you have ever turned out a battle ship in your yard?

Captain RANDLE. Three years is the contract time. We have never failed.

Mr. VREELAND. You say you could cut that down to six months?

Captain RANDLE. We could not turn it out complete in six months. I say we could launch the ship in six months. That is different from the completion. We could launch a ship in that time, 35 per cent finished, if we wished to.

Mr. VREELAND. How quick could you build and complete a ship ready for armament—a battle ship?

Captain RANDLE. I think in twenty-four months.

Mr. VREELAND. Under what circumstances?

Captain RANDLE. Under the circumstances that exist at the present time.

Mr. VREELAND. Why does it take you thirty-six months? What is the reason for the delay?

Captain RANDLE. We try to get all of the time we possibly can, because we do not want to rush the work, and of course we have a large amount of merchant work at the same time that we want to carry on at the same time, and when we are slack in merchant work we will have the Government work to fall back on.

Our secretary suggests to me to say that the reason why the time is so much longer than estimated for is on account of changes made after the keel is laid. The Government decides to make changes, to make the vessel more efficient, and therefore they hold the work up very often.

Mr. VREELAND. Are you building a battle ship in your yard now?

Captain RANDLE. Two.

Mr. VREELAND. Which ones?

Captain RANDLE. The *New Hampshire* and the *Michigan*.

Mr. VREELAND. What is the contract time?

Captain RANDLE. Forty months.

Mr. VREELAND. What is the tonnage?

Captain RANDLE. Sixteen thousand five hundred tons.

Mr. VREELAND. Your contract with the Government is forty months?

Captain RANDLE. Yes, sir.

Mr. VREELAND. You could do it in twenty-four months unless you are detained by the Government by change of plans, and so forth, or lack of getting the requisite armor, or something of that kind?

Captain RANDLE. We would if compelled to, but we would want a higher price than what we are paid.

Mr. VREELAND. You take the contract cheaper, for one principal reason, because you do have this extra time, and you let your men leave them and take up commercial work as it comes in?

Captain RANDLE. We never cease work on them, because if we are held up with one kind of work we can go on to other parts of it. We never take the people all off the ship. Hundreds are working on it.

Mr. VREELAND. You are not pushing it, though?

Captain RANDLE. No; we are not driving it. Now, on the *New Hampshire* the contract time is up, and we will deliver her next week. In the last two months we pushed that work all we could to complete it. The Government delayed us in the delivery of armor and guns, and only last week we succeeded in getting the 12-inch guns on board, when they should have been there six months ago.

Mr. VREELAND. Part of your contract is to put them on board?

Captain RANDLE. Yes. The Government makes the guns and we install them. The Government supplies the armor and we put it on.

Mr. HAYDEN. Your building period of three years runs from the signing of the contract to the delivery of the ship and her preliminary acceptance?

Captain RANDLE. Yes.

Mr. HAYDEN. In what condition are the plans of the vessel furnished to you by the Government when the contract is executed? Are they complete in detail, so that you can at once order the material?

Captain RANDLE. Very rarely; in fact, they are never complete.

Mr. HAYDEN. Does not the preparation of the plans, which devolves upon you, and the approval of the plans, which rests with the Government, and before which you can not order your materials, occupy a large amount of time?

Captain RANDLE. On the average it has occupied six months.

Mr. HAYDEN. If those plans were fully developed by the Government before the contract was placed, could you not greatly expedite the completion of the work?

Captain RANDLE. Yes.

Mr. HAYDEN. You could order your materials at once?

Captain RANDLE. Yes; and as soon as the contract was let.

Mr. HAYDEN. And now you can not do it until the detailed plans are approved by the Government, and changed by it, and newly approved?

Captain RANDLE. Yes. We often get the plans all worked out and send them down here to Washington, and it has been three months before we have had those plans returned to us, approved. In the meantime the work has all been held up, and we dare not go on because it may be entirely changed.

Mr. VREELAND. Are the *New Hampshire* and *Michigan* sister ships?

Captain RANDLE. Yes, sir; in tonnage only.

Mr. VREELAND. So that when you get the plans for the one, you have substantially got those for the other?

Captain RANDLE. No, sir; they are no more alike than chalk and cheese. The general arrangements in the ships are entirely different. The *New Hampshire* is entirely different from the *Michigan*, but the *Michigan* is a sister ship to one other builders are building. The *Michigan* is a sister ship to the *South Carolina*.

Mr. VREELAND. Mr. Nicholls here suggests to me that they may be sisters, but not twin sisters. [Laughter.]

Captain RANDLE. Twin sisters are not always alike, you know. Sometimes they vary very much.

Mr. DAVENPORT. Are the contracts made at the same time?

Captain RANDLE. No, sir. They are made separately.

Mr. DAVENPORT. What is the reason why you do not have them alike?

Captain RANDLE. The *Michigan* will be like a sister ship building at another yard. The *New Hampshire* is a sister ship to the *Vermont*, I think.

Mr. KNOX. The *Vermont* and the *Kansas* are very similar.

Mr. VREELAND. The ships building in your yard are not sister ships, although they are intended to have the same speed and armament?

Captain RANDLE. The *Michigan* is faster than the *New Hampshire* by a half knot.

Mr. DAVENPORT. And with a different armament?

Captain RANDLE. Yes.

Mr. KNOX. She carries eight 12-inch guns, and the other four, and no 8-inch guns?

Captain RANDLE. Yes.

Gentlemen, if there is anything further on which you wish to interrogate me, I am at your disposal. At the same time I would like to make a train.

Mr. VREELAND. I think there is lots of valuable information left in you that we ought to have, but I do not think of it now.

Captain RANDLE. I would be pleased to impart it if I am capable of doing so. I do not know.

Mr. HAYDEN. Mr. Chairman, Mr. McGregor, president of the Union Iron Works, of San Francisco, is here on a very brief stay, and I ask that he be heard to-day. I fear that he can not appear before the committee again.

The CHAIRMAN. We will hear him right now.

#### STATEMENT OF MR. JOHN A. MCGREGOR, PRESIDENT OF THE UNION IRON WORKS, SAN FRANCISCO, CAL.

Mr. HAYDEN. You are the president of the Union Iron Works?

Mr. MCGREGOR. Yes, sir.

Mr. HAYDEN. What is the business of that company?

Mr. MCGREGOR. Builders of ships and engines.

Mr. HAYDEN. What work, if any, has the company under contract for the Government?

Mr. MCGREGOR. We have no Government work. We recently completed the last ship contracted for.

The CHAIRMAN. What one was that?

Mr. MCGREGOR. The *South Dakota*, one of the armored cruisers. That was completed last October, and delivered to the Government at Mare Island. In May of last year we completed the *California*, which is ostensibly a sister ship.

Mr. HAYDEN. In the past what vessels have you built or what work have you done for the Government, naval work or work for any Department of the Government, in the way of either construction or repair?

Mr. MCGREGOR. The Union Iron Works has continuously up to the present time, during the last twenty or twenty-one years, always had Government work; that is, Government vessels. Among them would be—

Mr. HAYDEN. The *Oregon*?



Mr. MCGREGOR. I think I have a memorandum of them here. The *Wheeling* and the *Marietta* were two gunboats of the later type. The *Marietta* accompanied the *Oregon* around the Horn at the time of the war.

Mr. HAYDEN. You built the famous *Oregon*?

Mr. MCGREGOR. Yes. We built four torpedo boats, the *Farragut*, the *Paul Jones*, the *Preble*, and the *Perry*; two submarines, the *Grampus* and the *Pike*; the first *Charleston*, a cruiser.

Mr. HAYDEN. And the *San Francisco*?

Mr. MCGREGOR. The *San Francisco*, and the *Monterey*, one of the earlier type of monitors, and later the *Wyoming*, also a monitor, the battle ship *Oregon*, and the battle ship *Ohio*, and the cruiser *Tacoma*, and more recently the three cruisers, the protected cruiser *Milwaukee*, and the *California* and the *South Dakota*, armored cruisers. In addition to that there has been a good deal of the various kinds of work for the Government, engines and boilers, and in San Francisco we do a good deal of repair work for the Government, more particularly for the transport service and the Revenue-Cutter Service.

Mr. HAYDEN. That is, Army transports?

Mr. MCGREGOR. Army transports; yes, sir.

Mr. HAYDEN. How long have you been president of the Union Iron Works?

Mr. MCGREGOR. About eighteen months.

Mr. HAYDEN. Before that time what company or companies were you with? Just describe your career and practical experience.

Mr. MCGREGOR. My first practical connection with shipbuilding was with the United States Shipbuilding Company when it was formed in 1900. I was with them through their short career, and also continued with the receiver of that company, and then became treasurer of the Bethlehem Steel Corporation, which controlled the properties of the shipbuilding companies which had formerly been owned by the United States Shipbuilding Company.

Mr. HAYDEN. What is the length of the working day in the Union Iron Works?

Mr. MCGREGOR. Nine hours. It has been that since about 1902. Previous to that it was ten hours.

Mr. HAYDEN. How was that length of day established? By agreement with the men, or to meet commercial necessities?

Mr. MCGREGOR. Well, as I recall the circumstances at that time, the men wanted a nine-hour day, and we conceded it to them. There was no verbal or written agreement with the men that I ever saw or recall, but the nine-hour day was conceded the men in 1902.

Mr. HAYDEN. Do you work overtime when there is occasion for it?

Mr. MCGREGOR. Yes; our shops are going practically, in a greater or less degree, every day in the year, some part of it, but not so much in the shipyard; in fact, very little in the shipyard. That overtime is almost entirely confined to urgent repair work—merchant work.

Mr. HAYDEN. For overtime work you give overtime pay?

Mr. MCGREGOR. Yes; time and a half up to double time for holidays and Sundays.

Mr. HAYDEN. What are the rates of pay prevailing in your yard to-day, say for unskilled labor?

Mr. MCGREGOR. Common labor we pay from \$2 to possibly \$2.25 a day of nine hours.

Mr. HAYDEN. What is the rate for skilled labor? What are machinists paid an hour?

Mr. MCGREGOR. It might go as low as 30 cents an hour, but not in many instances.

Mr. HAYDEN. What is the average?

Mr. MCGREGOR. Possibly 44 cents per hour for a day's work of nine hours—44 cents and a fraction.

Mr. HAYDEN. Is that the highest?

Mr. MCGREGOR. No; that is the average.

Mr. HAYDEN. Four dollars?

Mr. MCGREGOR. Yes.

Mr. HAYDEN. What is the lowest rate of pay given a machinist?

Mr. MCGREGOR. From \$3 to \$3.50.

Mr. HAYDEN. So that it ranges between \$3 and \$4?

Mr. MCGREGOR. Yes, sir.

Mr. HAYDEN. Exclusive of overtime?

Mr. MCGREGOR. Exclusive of overtime, which varies according to whether it is on the basis of time and a half time or double time.

Mr. HAYDEN. What relations exist between your company and its laborers and mechanics?

Mr. MCGREGOR. So far as I know, and I try to find out all I can about it by personal talks with the men and by the evidence of the conditions, they are most satisfactory. Quite a considerable proportion of our men have been with us for twelve and fourteen years and some of them over twenty years. We certainly try to make it comfortable and happy for the men there. Perhaps, if I am not taking up too much time, I might name one or two items as indicative of our disposition in that direction. Before I went out there and took charge of the company as president it had been the practice to pay the men monthly; that is to say, for the month of January they might be paid on the 6th or 7th of February. That seemed to me an injustice. There had been no complaint at all, but it was an old, long-established custom and prevailed very generally throughout San Francisco. However, it seemed to me it was an injustice to the men and not a good thing for them. A man got a month's pay in his hands at one time, and it was a lot of money. It seemed to me that a man would be disposed to spend some of that money before he reached home, or even after he reached home—to spend all of it before the month was up—and that would mean hardship to him and his family. I called our superintendents and foremen together and asked them if they knew anything about these conditions, and they said no, that the matter had not been called to their notice. I asked them to investigate it, and they did so. When they spoke to the men, they said that they would much prefer to have their wages paid at shorter intervals. They pointed out the fact that along about the 20th of the month, say, they would begin to get very hard up and would go out and borrow money of saloon keepers, a number of whom are established round about our works, and at onerous rates of interest, or else they would leave our employ and be paid up in full and immediately go around to the gate and hire in again. They knew that we were in need of men and would reemploy them. Nobody, apparently, had taken the trouble to ascertain why the men left and returned. Finally I ordered that the men be paid weekly, and that custom has been in operation now for fifteen months, with very satisfactory results.

Another point I might mention in this connection is that formerly this company carried insurance against claims by workmen for accidental injuries. We paid a very large sum for that insurance, but we were relieved of all claims. That struck me as a bad thing. I thought we could get in closer touch with the men. We had been saying to them simply, "You will have to go down and take up your claim with the insurance company. If you sue us it will make no difference to us." Those fellows used to come back with stories of harsh treatment; they said they could not make any impression on the insurance people. All we could do was to give them some consideration in the way of employment after they had recovered. I canceled that casualty insurance and dealt directly with the men, and the results have been very satisfactory, indeed.

Very recently we established a hospital near the works for the men. They receive there treatment not only in case of accident, but in any case of illness. After taking it up with them, they very graciously consented to contribute toward the support of the hospital a small fee. The contribution of each man is 50 or 60 cents a month. The rest of the money required is provided by the company.

Mr. HAYDEN. For the support of this hospital?

Mr. MCGREGOR. Yes, sir. Its work is not limited to cases of accident. The men could be treated there for any illness, and they could get any medicines that they want. In any sickness they are entitled to be taken care of. There are physicians and nurses in attendance there all the time. It happened that one of the first men to need attendance was the son of one of the labor leaders in San Francisco. He was sent into the hospital, and they performed an operation on him for appendicitis, and all that it cost that young man was 60 cents. His father spoke to me about it and said that he certainly would continue to be an upholder of the hospital.

I mention these few instances to convince you of our desire and disposition to maintain good relations with our men, and I am sure that they are all that anyone could wish for. No finer class of men exists anywhere, I believe, than those at the Union Iron Works. Some of our officials have come from the East, and they have spoken in the very highest terms of the ability of the men and the speed with which they work, comparing very favorably indeed with that in the yards on the Atlantic coast.

Mr. HAYDEN. How many men do you employ? What is your normal force?

Mr. MCGREGOR. Our normal force is about 3,500. It has gone up to 5,000. At present, unfortunately, it is very low, owing to the scarcity of work.

Mr. HAYDEN. That is, you could not provide work for more than that number at the present time?

Mr. MCGREGOR. No, sir.

Mr. HAYDEN. The high wages you have quoted I assume are due to conditions peculiar to San Francisco, and growing out of the earthquake and the reconstruction of the city?

Mr. MCGREGOR. Yes. It is not so many years ago that San Francisco was one of the cheapest labor markets in the United States, and I can not understand why it should not be again. To my mind it ought to be.

Mr. HAYDEN. Living is not expensive there?

Mr. MCGREGOR. Not in particular. It is at the present time for commodities and house rent, on account of the manipulation of food products on the one hand and the curtailment of the supplies, with a desire and a disposition to increase the price. Rentals, of course, have gone up on account of the fire. But I have been told that a few years ago San Francisco was one of the cheapest places in the country to live, and for the manufacturer it was a very good place, not necessarily that we pay less wages there, but the conditions for doing work are better than those prevailing anywhere else. There are very few days in the year that men can not and do not work in the open with perfect comfort. In the summer there is an entire absence of rain and a fairly cool temperature, ranging in the day from 60 to 70—it rarely goes above that except at midday, when the sun is pouring down—and in the winter time it is from 50 to 60, and often above that, with the exception of three winter months, which is our rainy season, with rain two or three days out of ten. Men are able to work in the open under most favorable conditions.

Mr. HAYDEN. You say that in cases of necessity—for instance, when work has to be rushed on the repair of vessels—you work your men overtime. What is their attitude toward that? Are they willing to work overtime for overtime pay or are they reluctant to do so?

Mr. MCGREGOR. Not only are they willing, but they, in a sense, complain that they do not get the opportunity. If in calling for overtime work we appear to discriminate in favor of some men and say: "You fellows go on this job to-morrow," and others think they should have that chance to make overtime, they often say: "Put us on the cards for the next time." In fact, they want the money; that is what they are after.

Mr. HAYDEN. Are you familiar with the pending bill, which would establish a rigid eight-hour limitation for the day's work of laborers and mechanics?

Mr. MCGREGOR. Yes.

Mr. HAYDEN. It would apply to work which is in progress under contract with the Government?

Mr. MCGREGOR. Yes.

Mr. HAYDEN. From your standpoint as a shipbuilder, leaving the economic features of the question out of consideration and considering only the practical side of the case, what would be the effect of a restriction like that contained in the bill, which would forbid you to compel, even permit, a man to work more than eight hours in any one day?

Mr. MCGREGOR. I do not believe it could be adopted. I am positive it could not be adopted in any shipyard in the country. Certainly not in ours.

Mr. HAYDEN. I suppose it would be a possibility?

Mr. MCGREGOR. If you had no regard for cost.

Mr. HAYDEN. Would it be a commercial possibility?

Mr. MCGREGOR. Absolutely no.

Mr. HAYDEN. From the standpoint of profit, what is the condition of the shipbuilding industry in this country to-day, and particularly what is your own condition?

Mr. MCGREGOR. Oh, it is not a question of profit with the shipbuilding and rarely has been, except in special cases. The desire of the shipbuilders for Government work has never been actuated by the profit. I have looked over the records of all the ships built

by the Union Iron Works for the Government, and except in the cases of the earlier ships, where they received a bonus for excess of speed—that is to say, the price if the vessel made 18 knots was so much, with a bonus for excess of speed and a penalty for deficiency——

Mr. HAYDEN. So much for each quarter knot of excess or deficiency?

Mr. MCGREGOR. Yes; and the desire then was to push to the utmost limit on the one hand and to avoid being penalized on the other, and to obtain as much bonus as possible, with the exception of one or two cases where bonus did not apply, the Union Iron Works has never made any money out of the straight contract for the Government work. But it has always seemed to be the desire and the necessity that to maintain an effective organization a yard should have some Government work on hand as a foundation upon which it might build up its organization and keep its plant going.

Mr. HAYDEN. That is, you need a certain amount of Government work, the amount of merchant work being so small, to preserve your organization and keep your yard in operation?

Mr. MCGREGOR. Yes.

Mr. HAYDEN. And your yard is too valuable a property to abandon and to close?

Mr. MCGREGOR. Yes.

Mr. HAYDEN. The Commissioner of Navigation in his report for this year has made a statement to the effect that the average earnings of the shipbuilders of this country represents a little over 3 per cent on the capital invested. What is your opinion as to that?

Mr. MCGREGOR. I would say that that was excessive, taking in the seacoast plants—the plants that build seagoing vessels, which are located on the Atlantic and Pacific coasts. The American Ship Building Company—I presume the Commissioner includes that?

Mr. HAYDEN. Yes.

Mr. MCGREGOR. They have yards at Toledo and Chicago and other places.

Mr. HAYDEN. Yes.

Mr. MCGREGOR. They have in recent years shown profits because their work is of a very simple character. It is manufacturing and not building.

Mr. HAYDEN. They build or manufacture ore carriers and freighters for service on the Great Lakes?

Mr. MCGREGOR. Yes; and they pay dividends on their stock. But I do not recall any shipbuilding concern on the Atlantic coast that has paid dividends to its stockholders in a long time.

Mr. HAYDEN. Now, apart from the practical side of it, take the economic side of the question. With an eight-hour limitation of the daily work of laborers and mechanics employed in your yard, could you pay your men the wages they are now getting for nine hours' work and keep out of bankruptcy? That is, could you pay them the same daily wages that they are now getting for eight hours of work?

Mr. MCGREGOR. I think it would resolve itself into this, if I might answer your question in this way, that we would refuse—we would have to refuse—to do Government work on the eight-hour basis. It could not be done, because we could not have a certain part of our men working eight hours and another part working nine hours. I do not believe that we would get the men to do it. I believe that you would not find men willing to go on the eight-hour work.

Mr. HAYDEN. That is, the men would not work eight hours for eight hours' pay?

Mr. MCGREGOR. No, sir.

Mr. HAYDEN. But I asked you this question: Could you afford to pay those men their present wages, which cover nine hours' work, for only eight hours' work?

Mr. MCGREGOR. No, sir.

Mr. HOLDER. Could I interject a question there?

Mr. HAYDEN. Yes.

Mr. HOLDER. Is it not a fact that your concern, in connection with all of your competitors at San Francisco, made an arrangement last May with all of the iron trades that you would decrease the hours of labor from nine to eight on a fifteen-minute basis each year until the year 1910, when you would reach the eight-hour basis, without any decrease in pay?

Mr. MCGREGOR. Not without any decrease in pay.

Mr. HOLDER. We understand that that same rate of pay is to be maintained.

Mr. MCGREGOR. No, no. The first of last May the men struck for eight hours. It was not a question of pay; that question was not raised at all. Finally, after our place had been closed for about seven weeks, we reached this agreement in connection with the other metal industries out there and proposed—or it was agreed to—that the eight-hour day should be reached in time by reductions of the day fifteen minutes at a time, ultimately reaching an eight-hour day. But the question of the men being paid the same wages for the lesser time was not in issue at all.

Mr. HOLDER. It has been reported that there would be no change in the daily rates.

Mr. MCGREGOR. That, of course, is not correct. We simply can not pay nine-hour wages for an eight-hour day.

Mr. NICHOLLS. You make agreements with the men through their organizations, then, do you?

Mr. MCGREGOR. Yes, sir; we did in this case.

Mr. TRACY. Then in 1910 you will be in condition to take all the Government work they can give you?

Mr. MCGREGOR. I do not know that.

Mr. TRACY. Or that you are capable of doing?

Mr. MCGREGOR. Understand this: That there is no restriction of the hours that a man may work. What the men are after, and they are frank enough to say it, is this: They do not want an eight-hour day. They do not want their opportunities to work limited to eight hours a day. They want to work nine hours for nine and a half hours' pay.

Mr. HAYDEN. That is, they want overtime?

Mr. MCGREGOR. They want overtime, undoubtedly.

Mr. DAVENPORT. Was any proposition ever made to you to cut off overtime pay by anybody?

Mr. MCGREGOR. Absolutely no, sir. For instance, a man would work on Saturday, and he would work all Saturday night and all Sunday up to Sunday night without a break. I have known such instances, and I complained about that and said that should not be, because I did not believe we got a proper amount of work out of that man. We were doing that man bodily harm, for one thing,

and we were not getting, as I considered it, adequate results from the man who would work continuously that long. However, there are some exceptional cases where it has been necessary for a man to work forty-eight, fifty, or sixty hours at a stretch without a let up.

Mr. DAVENPORT. Those are extraordinary conditions?

Mr. MCGREGOR. Those are extraordinary conditions. I only mention this to show you that we never have heard of an instance of a man wanting voluntarily to cut off overtime pay. They are willing to work overtime if they are paid time and a half for it, and double time on Sundays and holidays.

Mr. DAVENPORT. Did the labor organizations of San Francisco ever make demand on you to have overtime cut out?

Mr. MCGREGOR. No, sir; never.

Mr. HAYDEN. In the building of a battle ship for the United States, or a large vessel of any description, you do not produce all of the material you use?

Mr. MCGREGOR. Oh, no.

Mr. HAYDEN. That is, the hull plates, the shapes?

Mr. MCGREGOR. All of the raw material, you might say. We do not produce any raw material. That is, we do not produce billets or pig iron, nor do we mold the plates.

Mr. HAYDEN. That is, the hull plates?

Mr. MCGREGOR. Yes; the hull plates. Of course we get billets from them, and make our own castings sometimes—bronze, iron, steel, and so on.

Mr. HAYDEN. Do you know of any concern in the country that makes its own hull plates?

Mr. MCGREGOR. Not in any single shop. There may be an aggregation. For instance, the United States Shipbuilding Company was able practically to do everything from the production of raw material up, because of its connection with the Bethlehem Company.

Mr. HAYDEN. Yes; the Bethlehem Company made the structural material used.

Mr. HAYDEN. Does any English yard produce all of the material used by it?

Mr. MCGREGOR. No; I think not.

Mr. HOLDER. And the Armstrong people also?

Mr. MCGREGOR. Yes, sir; the Armstrong people; they are the nearest to it.

Mr. HAYDEN. But even they have to procure materials from outside sources?

Mr. MCGREGOR. Yes, sir; it is economy to do it. The Union Iron Works, on account of its location and the disposition of the former owners there, wanted to make everything it could. But that is not now considered practicable or desirable in any industry. For instance, the old-fashioned piano makers would make the legs of the pianos, and make the keys and put the ivories on, and the strings; but that is not commercially possible in these days, and with the Union Iron Works we have been eliminating the production of plate and other materials as far as possible. There are so many specialists in the different branches of the work involved in a battle ship who are able to beat us that we have given up making many things that were formerly made there, and now we buy them.

Mr. HAYDEN. Under the contracts of the company, what materials do they obtain by subcontract? Can you give us that information?

Mr. MCGREGOR. By purchase, do you mean?

Mr. HAYDEN. By purchase or by subcontract—

Mr. MCGREGOR. For instance, a good deal of the electrical apparatus, dynamos, dynamo engines, and the electric fixtures, and so forth.

The CHAIRMAN. Do you buy those on the Pacific coast or in the East?

Mr. MCGREGOR. Generally in the East, from the Westinghouse Company or the General Electric Company, or some concern that manufactures electrical supplies.

The CHAIRMAN. Does your armament come from the East?

Mr. MCGREGOR. It is furnished by the Government. It is not part of the shipbuilder's contract.

The CHAIRMAN. It comes from the East?

Mr. MCGREGOR. Yes, sir; entirely; either made by the Bethlehem Company or the Watervliet Arsenal.

Mr. HAYDEN. How about the Midvale Company?

Mr. MCGREGOR. I do not know about the Midvale.

Mr. HAYDEN. You mean the armament?

Mr. MCGREGOR. Yes, sir.

Mr. HAYDEN. Your plates and frames you get from Bethlehem?

Mr. MCGREGOR. The plates and angles, angle frames, as we call them, have to come from eastern mills.

Mr. VREELAND. The Government supplies you with armor?

Mr. MCGREGOR. Yes, sir.

Mr. VREELAND. Is there anything else that is supplied by the Government?

Mr. MCGREGOR. Yes; the guns—armament.

Mr. VREELAND. I mean anything outside of the armor?

Mr. MCGREGOR. The furniture and equipment, probably some of the lifeboats, the launches, and so on. Those are always furnished by the Government. I know that Mare Island has furnished them to the Union Iron Works. That was a thing that we stopped manufacturing. I do not think any of the yards manufacture them.

Mr. HAYDEN. And you procure a considerable percentage of materials from other parties?

Mr. MCGREGOR. Oh, my, yes; many of the heaviest of the forgings, that we perhaps can not or do not want to make, we buy; and many specialties all through the ship, such as anchors and chains, we do not make.

Mr. HAYDEN. Are any of the things that you buy procurable in the open market? That is, can you find them ready in stock, or are they things that are commonly made for the general trade?

Mr. MCGREGOR. No, sir. Almost everything we buy for a Government ship is specially ordered and takes time to produce.

Mr. HAYDEN. Specially ordered for the purposes of that ship?

Mr. MCGREGOR. Yes, sir; specially ordered. The order is usually accompanied by special drawings and special instructions, and deliveries are naturally slow, for the reason that the Government requires a very high standard of efficiency.

Mr. HAYDEN. And the Government inspects the material in the works of those who are producing the material for you?



Mr. MCGREGOR. Yes, sir; the Government inspectors are resident at their works.

Mr. HAYDEN. Now, how could you, in San Francisco, control contractors who were furnishing materials to you for Government work, if there was an eight-hour restriction on the day's work?

Mr. MCGREGOR. We could not do it. Sometimes a contractor might for an extra consideration agree to give us a guarantee of indemnity against any action for infringement that might be taken against him; but I am satisfied that in a great many cases they would refuse.

Mr. HAYDEN. But you understand that if this bill should be enacted you, and not your subcontractor, would be responsible for the penalty?

Mr. MCGREGOR. Yes; I quite understand that.

Mr. HAYDEN. For your violations of the eight-hour rule, and those of your subcontractors—I ask you if it would be possible for you to control that?

Mr. MCGREGOR. No, sir; I do not believe it could be controlled.

Mr. HAYDEN. Do you think your subcontractors would agree to indemnify you for penalties imposed on you for their failure to observe the eight-hour rule?

Mr. MCGREGOR. No, sir; that resolves itself into one thing, that all Government work must be done in Government yards.

Mr. HAYDEN. How could the Government in Government yards build a ship? Would it not have to obtain its material from the persons from whom you obtain it?

Mr. MCGREGOR. Yes; but the Government is not in the same position we would be in.

Mr. HAYDEN. How is that?

Mr. MCGREGOR. Well, they would not sue themselves.

Mr. HAYDEN. You mean they would not violate their own law?

Mr. MCGREGOR. They do it right along. The inspectors on the work done in the navy-yard at Mare Island do that, and the same thing occurs in every navy-yard.

Mr. HOLDER. Have you any specific instances of that?

Mr. MCGREGOR. Yes; I have. Take the trial trip of the *Connecticut*. That ship did not have her trial trip the same as they would have the trial of a ship that we built.

Mr. HOLDER. I mean, can you give us any specific instance of where they violate the eight-hour clause?

Mr. MCGREGOR. No; I am not thinking of the eight-hour clause. I do not think they do, as a general rule. I often go out to Mare Island, and I do not hear of them doing any overtime work.

Mr. HAYDEN. They do not work overtime at the Mare Island Navy-Yard?

Mr. MCGREGOR. No, sir.

Mr. HAYDEN. How about the docking of vessels?

Mr. MCGREGOR. That comes under that law, too. They have one small dock there, that is all.

Mr. HAYDEN. When they dock a vessel there, do they work more than eight hours?

Mr. MCGREGOR. No, sir. It would probably be arranged sometime so that it would come within the eight-hour day, I imagine.

Mr. VREELAND. Is the Union Iron Works a stock company?

Mr. MCGREGOR. Yes, sir.

Mr VREELAND. The amount of capital stock actually paid in?

Mr. MCGREGOR. You wish the amount of it?

Mr. VREELAND. Was the amount of the capital stock actually paid in? Does it represent money?

Mr. MCGREGOR. Oh, yes; every dollar of it.

Mr. VREELAND. No water in it?

Mr. MCGREGOR. No; none whatever. In fact, our statement shows that the property is worth in excess of the capital stock.

Mr. HAYDEN. You heard read by Mr. Rainey, of the committee, a newspaper clipping with regard to the construction of a naval vessel in a Japanese yard. I believe that, among other things, it was said that all of the materials, forgings, and one thing or another which entered into her construction, were produced in that yard. Do you know whether or not that was true?

Mr. VREELAND. Are you speaking of the Japanese vessel?

Mr. HAYDEN. Yes, sir.

Mr. DAVENPORT. I think you overlooked the fact that it stated that part of it was produced by other people, subsidized by the Government.

Mr. HAYDEN. That the material used in this vessel was produced by a private firm subsidized by the Government?

Mr. DAVENPORT. Yes; in part.

Mr. HAYDEN. I understood the article to state that the forgings, and in fact all materials used, were produced in the yard where this vessel was built. Do you know whether or not that is true, Mr. McGregor?

Mr. MCGREGOR. I do not think that could possibly be true.

Mr. DAVENPORT. I think it stated that it was either done in that way, or by a private concern that was subsidized by the Government.

Mr. HAYDEN. We can see that when it is printed, Mr. Davenport.

The CHAIRMAN. Just what was the relevancy of that? We were considering an eight-hour bill, and the question of the possibility of building a ship in the United States entirely under an eight-hour law. In response to an assertion that a navy-yard could not do that without going outside, we had newspaper clippings read to show that the navy-yards of Japan, together with a private concern subsidized by the Government, have built a ship within a limited time with two shifts of men, covering the twenty-four hours. What is the relation of that to an eight-hour proposition?

Mr. HAYDEN. I took this to be his idea, to show that if the private firms in this country withdrew from building vessels, the Government could nevertheless procure them by building them in its own yards.

Mr. VREELAND. I am frank to say that I have gone into that subject more for the reason that gentlemen who had the information were here, and it has been a matter of considerable discussion in Congress, and we do not often have the president of the Union Iron Works with us, and we had better get it while we could. While it does not perhaps strictly apply on this, we are being paid by the day for working for the Government, and get information any way we can.

The CHAIRMAN. I am not objecting to the information we are getting, except as the judge referred to the statement of Mr. Rainey, and I confess I had not conceived just the relation that the newspaper clippings offered by Mr. Rainey had to the matter under consideration.

Mr. HAYDEN. Will you please, in your own way, discuss any of the features of this bill that occur to you?

The CHAIRMAN. I do not rule out this examination, Mr. Hayden. You can go on with it.

Mr. HAYDEN. I think it may be more expeditious for Mr. McGregor to go on in his own way.

Mr. DAVENPORT. Right on this matter, may I ask him a question?

Mr. HAYDEN. Yes.

Mr. DAVENPORT. Are you in a general way familiar with the other shipyards around over the world?

Mr. MCGREGOR. Not outside of this country, except in a general way.

Mr. DAVENPORT. Is there any country in the world where the men are limited to eight hours' work?

Mr. MCGREGOR. I am certain, absolutely certain, on that point. No, sir; there is none.

Mr. DAVENPORT. If such limitations were put on the men in our shipyards that would be discriminating in favor of other shipyards against our own?

Mr. MCGREGOR. I do not know how it would affect the yards in this country.

Mr. DAVENPORT. Because it requires everything that goes into a Government vessel to be manufactured in that way.

Mr. MCGREGOR. It would discriminate in this way, and surely we are badly enough discriminated against now in the time that it takes to turn out a battle ship here now as compared with other countries; and that is not due to any inferiority on the part of the workmen, because they are able to turn out as much work as the men of any other country, but it is due to conditions that exist here in this country.

Mr. HAYDEN. And your plants are well equipped here?

Mr. MCGREGOR. Our plants are very well equipped; very well equipped.

Mr. HAYDEN. But the delays in the prosecution of the naval work are very largely due to departmental methods?

Mr. MCGREGOR. Yes, certainly. To bring this down to an eight-hour day would lengthen the time required to build a ship, and would materially increase the cost.

Mr. HAYDEN. Take a battle ship of 16,000 tons, the construction of which is now undertaken by most yards in thirty-six months. How much would the reduction from a nine-hour day to an eight-hour day increase the building period? I mean, now, the reduction to an obligatory eight-hour day, no overtime being permitted?

Mr. MCGREGOR. It would be more than the ratio of eight to nine.

Mr. HAYDEN. More than that?

Mr. MCGREGOR. More than that; a good deal more than that. We figured that up when we were taking up this question last night, of an eight-hour day, and it comes, as we figured it, to from 18 to 22 per cent.

Mr. NICHOLLS. What is that, time?

Mr. MCGREGOR. The cost.

Mr. NICHOLLS. The cost?

Mr. MCGREGOR. Yes. The reason for that is that we have a plant that cost so much money, and if we can operate that plant for ten hours a day, we can get ten hours' efficiency out of it, but if we operate

it only eight hours a day, we can get only eight hours out of it. In other words, the invested capital is entirely idle; and not only the invested capital and the organization, which is something entirely outside of the men, paid by the day, but in addition to that the cost of running the yard—what we call the overhead burden, the necessary operating expenses that are to be maintained there from day to day, whether there are 1,000 men or 100,000 men at work—varies from 30 to 40 per cent, according to conditions, and that is to be considered as a part of the reduction, or in addition to the cost of a ship built under the nine-hour day, if built under the eight-hour day.

Mr. NICHOLLS. What proportion of the total cost of production—which would include labor, purchase of material, and so on—is the wages?

Mr. MCGREGOR. In a shipyard, in building a battle ship, for instance, a high type of ship, the labor would exceed the materials bought by some small percentage; that is to say, the labor would be rather more than one-half, possibly it might go up to 60 per cent, the material being 40 per cent, depending of course to some extent upon how far the shipbuilding concern might go into the manufacture of certain items and call that labor and material. Some yards, for instance, might buy their propeller blades. We make them. That would be more on our labor side and less on the material side. But roughly, say, 40 per cent and 60 per cent.

Mr. NICHOLLS. If you bought your propeller blades, you paid for your labor done in some other place?

Mr. MCGREGOR. Yes, of course; and I am saying that the amount paid out for labor in a shipyard for the construction of a ship, as distinguished from what we pay for the material actually delivered to us, would bear that proportion.

Mr. NICHOLLS. Of course that would make a difference, whether you bought it and paid for it, or made it in your own shops.

Mr. MCGREGOR. Yes.

Mr. HAYDEN. Are any of the operations in your yard that you call upon laborers and mechanics to perform so exhausting or so onerous that a nine-hour day is too great a tax upon a man's strength and leads to his deterioration?

Mr. MCGREGOR. Oh, no; oh, no. There is nothing specially hazardous or that requires a more than normal amount of exertion, and I never heard anyone complain, who was in good health, about nine hours a day being too long a time for a man to work.

Mr. HAYDEN. Have you observed your men to see whether they preserved their efficiency throughout the day?

Mr. MCGREGOR. Yes, sir.

Mr. HAYDEN. How does the efficiency and the amount of their work done in the ninth hour of the day compare with that in any earlier hour?

Mr. MCGREGOR. I would say equally efficient.

Mr. HAYDEN. It is?

Mr. MCGREGOR. Yes, sir; I would say equally efficient.

Mr. HAYDEN. There are no evidences of exhaustion, or anything of that kind?

Mr. MCGREGOR. No, sir. Personally I can not understand a man submitting to being dictated to that he shall only work eight

hours a day or nine, for that matter. I do not see how an ambitious man—and most of them have ambition to get along and earn money—can submit to being dictated to in that way. I know if I went in the Government service, certainly I should feel that I was being hindered.

Mr. HAYDEN. Do you think that the laboring men, the laborers and mechanics, would resent a rule that prevented them from earning nine or ten hours' pay in a day?

Mr. MCGREGOR. I think so.

Mr. HAYDEN. Including the right to earn overtime pay?

Mr. MCGREGOR. I certainly should consider it an unwarranted interference with my liberties and my rights.

Mr. HOLDER. I would like to ask a question, if you please.

Mr. HAYDEN. Certainly.

Mr. HOLDER. I would like to ask if Mr. McGregor knows how many hours they work in the Mare Island Navy-Yard?

Mr. MCGREGOR. Eight hours.

Mr. HOLDER. Only one shift?

Mr. MCGREGOR. Yes, sir.

Mr. HOLDER. Not three shifts?

Mr. MCGREGOR. No, sir.

Mr. HOLDER. You know that they work three shifts out here in the Washington gun factory?

Mr. MCGREGOR. No.

Mr. HOLDER. I thought they did in the Mare Island yard.

Mr. MCGREGOR. No, sir; only one shift. They have only one organization force, I know.

Mr. HAYDEN. They have no gun factory at Mare Island?

Mr. MCGREGOR. No, sir.

Mr. HAYDEN. And outside work can not be satisfactorily prosecuted at night?

Mr. MCGREGOR. No, sir.

Mr. HAYDEN. You can work in a gun shop at night?

Mr. MCGREGOR. Yes, or in a machine shop. We have some men employed in the machine shop twenty-four hours a day, every day in the year. That is true also of work inside ships, in the engine room, perhaps, or in the shop, but never applies to hull construction.

Mr. HAYDEN. The length of the day on the hull construction is limited by daylight?

Mr. MCGREGOR. Certainly; it can not be otherwise.

Mr. HAYDEN. In winter are you able to work your men nine hours?

Mr. MCGREGOR. Yes, sir; because they have only forty minutes lunch time. They begin at 7 in the morning and work until 12, and begin again at twenty minutes to 1 and stop at twenty minutes to 5.

Mr. HAYDEN. Working entirely by daylight?

Mr. MCGREGOR. Yes, sir.

Mr. HAYDEN. That is all, Mr. Chairman, if there are no further questions.

(At 4.45 o'clock p. m., the committee adjourned until Tuesday, March 10, at 10.30 a. m.)

SUBCOMMITTEE ON LABOR NO 1,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, March 10, 1908.*

The committee met this day at 10.30 o'clock a. m., Hon. John J. Gardner (chairman) presiding.

The CHAIRMAN. Now you may proceed, Mr. Payson.

**STATEMENT OF L. E. PAYSON, ESQ., OF WASHINGTON, D. C., REPRESENTING THE NEWPORT NEWS SHIPBUILDING AND DRY DOCK COMPANY.**

Mr. PAYSON. Mr. Chairman and gentlemen, I represent the Newport News Shipbuilding and Dry Dock Company, which corporation, as its name indicates, is engaged in shipbuilding. Its works are located at Newport News, Va. The capital invested in the enterprise is from \$12,000,000 to \$15,000,000. The works are modern and up-to-date as respects all plants. We have two dry docks, one the largest in the country, and a third of equal size now in process of construction. We have done more Government work in the past sixteen years than any other yard. We have now upon the pay roll about 5,700 employees, not counting the office force. The hours of labor are ten hours a day, and a half holiday on Saturday, with overtime paid for at the usual rates.

The relations between the corporation and its employees, I am authorized to say, are perfectly harmonious. There has never been any friction but once, some six years ago, and that was confined to the machinists, for a nine-hour day with ten hours' pay, and recognition of the union. It lasted but a short time, when the old relations were resumed. The homes of the workmen are very largely owned by the employees, built and paid for on the installment plan. The contracts taken by this company for Government work have been very low, often at estimated cost, and even less, in order to keep the plants at work and the skilled force together.

We adopt Mr. Joseph Howell's statement made in behalf of the Cramp Shipbuilding Company in this record as to our position on this bill, as far as it goes. My own construction of this bill has been put into the record by Mr. Davenport, and I will not repeat it here.

I here insert Mr. Gardner's history of these eight-hour bills, set out at page 121 of the Record of Hearings of the Committee on Labor for May, 1906, Fifty-ninth Congress.

Mr. Payson said:

"Before proceeding in an informal way, perhaps it would be better to understand one another. The chairman of the committee announced when I was in my seat that this bill originated in the committee; that nobody had requested to be heard except those he mentioned, and I would be glad to ask the chairman exactly what he meant by that—that this bill originated in the committee—that is, it was the bill that passed the last Congress?

"The CHAIRMAN. What the Chair meant precisely by that is this: There is no secret about it.

"Mr. PAYSON. There ought not to be.

"The CHAIRMAN. There have been bills—certainly a bill, and I think bills—aiming at just what this bill aims at, so far as the intention goes, before the Labor Committee of every Congress of which I have known anything by personal contact. They have always been favored and contested here in committee during the whole of Congress and have generally gone down. I think, for the reason that the fullest discussion of them has seemed to develop the fact that none of the bills, if passed, would accomplish the end at which they have been aimed.

"Mr. PAYSON. To wit?

"The CHAIRMAN. The reaching of work done for the Government of the United States by contract or otherwise. That has always been the expressed desire of those who have appeared in behalf of the measure, and I think I am correct in saying—Mr. Morrison, I think you have nearly always been present?"

"Mr. MORRISON. Yes, sir.

"The CHAIRMAN (continuing). That the bill has finally met its fate because its friends have become convinced that it would not reach the contracts at which it was aiming. In the last session, a number of such bills coming in, the chairman of this committee was requested to put in form, if possible, and in constitutional form, the objects that had been sought by such attempted legislation through several Congresses. The bill, precisely, I believe, in the form, with the exception of what we know as the Lacey proviso—

"Mr. PAYSON. I do not remember that.

"The CHAIRMAN. It is the one excepting public military or naval works in time of war. So, so soon as the House met this year Mr. Sulzer introduced a bill—"

I suppose of like character to the former bills which have been introduced, "and it was a matter of rumor—I might say notoriety—that a flood of such bills was coming in, and it was thought, to avoid all matter of pride of opinion between gentlemen who might introduce this bill, that bill, and the other bill approved by the former Committee on Labor had better be introduced, and as I happened to be chairman of the committee in each Congress, I have introduced it both times. The draft of the bill is mine, the chairman of the committee."

I also insert in their order the different bills upon this subject before this committee. First, House bill 5860, second session Fifty-fifth Congress; House bill 7389, second session Fifty-fifth Congress; the same bill (7389), second session Fifty-fifth Congress, reported by Senator Kyle; the same House bill (7389), third session Fifty-fifth Congress, reported by Senator Turley; the House bill 6882, first session Fifty-sixth Congress; House bill 3076, first session Fifty-seventh Congress; the same House bill (3076), first session Fifty-seventh Congress (Rept. No. 1793), as reported by Mr. Gardner, and the same bill (3076), as reported by Senator McComas.

[H. R. 5860, Fifty-fifth Congress, second session.]

#### IN THE HOUSE OF REPRESENTATIVES.

JANUARY 6, 1898.—Mr. GARDNER introduced the following bill; which was referred to the Committee on Labor and ordered to be printed.

A BILL To amend an Act entitled "An Act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section one of the Act entitled "An Act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August first, eighteen hundred and ninety-two, be, and the same is hereby, amended so as to read as follows:

"That the service and employment of all laborers and mechanics who are now, or may be hereafter, employed by the Government of the United States, by the District of Columbia, or by any contractor, or subcontractor, upon any of the public works of the United States or of the said District of Columbia, in any part of the United States or District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics, to require

or permit any such laborer or mechanic to work more than eight hours in any calendar day in any part of the United States or District of Columbia, except in case of extraordinary emergency caused by fire, flood, or danger to life. It being the express purpose and intent of this Act to limit and restrict the hours of employment of and by the persons aforesaid to eight hours in any one calendar day on all work performed in manufacturing, constructing, or erecting all public works, said public works being defined to mean and apply to all labor on behalf of the United States requiring the employment of mechanics and laborers, and the fact that said work which may be required is done off the premises where said public works are being erected or constructed shall not prevent the observance and enforcement of the provisions of this Act by and upon all officers and agents of the United States and District of Columbia, as well as all such contractors and subcontractors: *Provided*, That nothing in this Act shall apply to the soldiers or sailors enlisted, respectively, in the Army and Navy of the United States."

[H. R. 7389, Fifty-fifth Congress, second session.—Report No. 957.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 27, 1898.—Mr. GARDNER introduced the following bill; which was referred to the Committee on Labor and ordered to be printed.

APRIL 4, 1898.—Reported with amendments, referred to the House Calendar, and ordered to be printed.

[Omit the part struck through and insert the part printed in italics.]

A BILL Limiting the hours of daily service of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the time of service of all laborers, workmen, and mechanics employed upon any public works of, or work done for the United States, or any Territory, or the District of Columbia, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States, or of any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or said District, or any contractor or subcontractor for any part of any public works of, or work done for the United States, or any Territory, or said District, or any person whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property.

SEC. 2. That each and every contract to which the United States, any Territory, or the District of Columbia is a party, and every contract made for or on behalf of the United States, or any Territory, or said District, which contract may involve the employment of laborers, workmen, or mechanics ~~on any public works~~, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the



contractor or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this Act of ten dollars for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the stipulation in this Act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact.

SEC. 3. That any officer of the United States, or any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or the District of Columbia, who shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

SEC. 4. That all acts and parts of acts inconsistent with this Act, in so far as they are inconsistent, be, and the same are hereby, repealed. But nothing in this Act shall apply to any existing contract, or to soldiers and sailors enlisted, respectively, in the Army or Navy of the United States, or to seamen on seagoing vessels.

Amend the title so as to read: "A bill limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for the United States, or any Territory, or the District of Columbia."

[H. R. 7389, Fifty-fifth Congress, second session.]

IN THE SENATE OF THE UNITED STATES.

MAY 18, 1898.—Read twice and referred to the Committee on Education and Labor

JUNE 29, 1898.—Reported by Mr. KYLE, with amendments, but without recommendation.

[Omit the part struck through and insert the part printed in italics.]

AN ACT Limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for the United States, or any Territory, or the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time of service of all laborers, workmen, and mechanics employed upon any public works of, or work done for the United States, or any Territory, or the District of Columbia, whether said work is done by contract or other-

wise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States, or of any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or said District, or any contractor or subcontractor for any part of any public works of, or work done for the United States, or any Territory, or said District, or any person whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, ~~nor~~ *or except to work upon public military or naval works or defences in time of war.*

SEC. 2. That each and every contract to which the United States, any Territory, or the District of Columbia is a party, and every contract made for or on behalf of the United States, or any Territory, or said District, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day, *except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, or except to work upon public, military, or naval works or defenses in time of war,* and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this Act of ten dollars for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the stipulation in this Act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact.

SEC. 3. That any officer of the United States, or any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or the District of Columbia, who shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

SEC. 4. That all acts and parts of acts inconsistent with this Act, in so far as they are inconsistent, be, and the same are hereby, repealed. But nothing in this Act shall apply to any existing contract, or to soldiers and sailors enlisted, respectively, in the Army or Navy of the

United States, or to seamen on seagoing vessels, *or to the transportation of mails, merchandise, or passengers, or to common carriers in any way.*

[H. R. 7389, Fifty-fifth Congress, third session.]

IN THE SENATE OF THE UNITED STATES.

MAY 18, 1898.—Read twice and referred to the Committee on Education and Labor.

JUNE 29, 1898.—Reported by Mr. KYLE, with amendments, but without recommendation.

JANUARY 5, 1899.—Recommitted to the Committee on Education and Labor.

FEBRUARY 17, 1899.—Reported by Mr. TURLEY, with amendments, but without recommendation.

[Omit the part struck through and insert the part printed in italics.]

AN ACT Limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of, or work done for the United States, or any Territory, or the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time of service of all laborers, workmen, and mechanics employed upon any public works of, or work done for the United States, or any Territory, or the District of Columbia, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States, or of any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or said District, or any contractor or subcontractor for any part of any public works of, or work done for the United States, or any Territory, or said District, or any person whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require or permit them, or any of them, to labor more than eight hours in any one calendar day, ~~except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, nor to work upon public military or naval works or defences in time of war except when in the opinion of the head of the department having the work in charge an emergency exists.~~

SEC. 2. That each and every contract to which the United States, any Territory, or the District of Columbia is a party, and every contract made for or on behalf of the United States, or any Territory, or said District, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day, *except when in the opinion of the head of the department having the work in charge an emergency exists*, and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this Act of ten dollars for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that

the provisions of any such contract are complied with, shall report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the stipulation in this Act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact.

SEC. 3. That any officer of the United States, or any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or the District of Columbia, who shall violate the provisions of this Act, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

SEC. 4. That all Acts and parts of Acts inconsistent with this Act, in so far as they are inconsistent, be, and the same are hereby, repealed. But nothing in this Act shall apply to any existing contract, or to soldiers and sailors enlisted, respectively, in the Army or Navy of the United States, or to seamen on seagoing vessels, or to the transportation of mails, merchandise, or passengers, or to common carriers in any way. *Nor shall this Act apply to contracts for the purchase of the ordinary supplies of the Government, whether manufactured to conform to particular specifications or not. Nor shall it apply to contracts for such materials as may be usually purchased in the open market.*

[H. R. 6882, Fifty-sixth Congress, first session.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 19, 1900.—Mr. GARDNER, of New Jersey, introduced the following bill; which was referred to the Committee on Labor and ordered to be printed.

A BILL Limiting the hours of daily services of laborers, workmen, and mechanics employed upon the public works of or work done for the United States, or any Territory, or the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the time of service of all laborers, workmen, and mechanics employed upon any public work of or work done for the United States, or any Territory, or the District of Columbia, whether said work is done by contract or otherwise, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States, or of any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or said District, or any contractor or subcontractor for any part of any public works of, or work done for the United States, or any Territory, or said District, or any person whose duty it shall be to employ or to direct and control the services of such laborers, workmen, or mechanics, or who has in fact the direction or control of the services of such laborers, workmen, or mechanics, to require

or permit them, or any of them, to labor more than eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life or property, and work upon public military or naval works or defenses in time of war.

SEC. 2. That each and every contract to which the United States, any Territory, or the District of Columbia is a party, and every contract made for or on behalf of the United States, or any Territory, or said District, which contract may involve the employment of laborers, workmen, or mechanics, shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or any subcontractor doing or contracting to do any part of the work contemplated by the contract, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the stipulation directed by this Act of ten dollars for each laborer, workman, or mechanic, for each and every calendar day in which he shall labor more than eight hours; and the inspector or other officer or person whose duty it shall be to see that the provisions of any such contract are complied with, shall report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the stipulation in this act provided for in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violations for which said penalties were imposed were by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error of fact.

SEC. 3. That any officer of the United States, or any Territory, or the District of Columbia, or any person acting for or on behalf of the United States, or any Territory, or the District of Columbia, who shall violate the provisions of this act, shall be deemed guilty of a misdemeanor and be subject to a fine or imprisonment, or both, at the discretion of the court, the fine not to exceed five hundred dollars, nor the imprisonment one year.

SEC. 4. That all acts and parts of acts inconsistent with this act, in so far as they are inconsistent, be, and the same are hereby, repealed. But nothing in this act shall apply to any existing contract, or to soldiers and sailors enlisted, respectively, in the Army or Navy of the United States, or to seamen on seagoing vessels.

[H. R. 3076, Fifty-seventh Congress, first session.]

#### IN THE HOUSE OF REPRESENTATIVES.

DECEMBER 6, 1901.—Mr. GARDNER, of New Jersey, introduced the following bill; which was referred to the Committee on Labor and ordered to be printed.

A BILL Limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made

for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this Act of five dollars for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon observation or investigation report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the provisions in this Act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this Act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this Act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this Act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire, flood, or danger to life or property. Nothing in this Act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

[H. R. 3076, Fifty-seventh Congress, first session.—Report No. 1793.]

#### IN THE HOUSE OF REPRESENTATIVES.

DECEMBER 6, 1901.—Mr. GARDNER, of New Jersey, introduced the following bill; which was referred to the Committee on Labor and ordered to be printed.

APRIL 28, 1902.—Reported with amendments, referred to the House Calendar, and ordered to be printed.

[Omit the part struck through and insert the part printed in italics.]

A BILL Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every con-*

tract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this Act of five dollars for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall upon observation or investigation report to the proper officer of the United States, or any Territory, or the District of Columbia, all violations of the provisions in this Act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire; or flood, or due to danger to life or loss to property. Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

[H. R. 3076, Fifty-seventh Congress, second session.—Report No. 2321.]

IN THE SENATE OF THE UNITED STATES.

MAY 20, 1902.—Read twice and referred to the Committee on Education and Labor.

DECEMBER 20, 1902.—Reported by Mr. McCOMAS, with amendments.

[Omit the part struck through and insert the part printed in italics.]

AN ACT Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each and every con-*

tract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day *upon such work*; and ~~each and every~~ such contract shall stipulate a penalty for each violation of the ~~such~~ provision ~~directed by this Act in such contract~~ of five dollars for each laborer or mechanic, for ~~each and every~~ calendar day in which he shall ~~be required or permitted to~~ labor more than eight hours *upon such work*; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation ~~forthwith~~ report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions in this Act directed to be made in ~~each and every~~ such contract, ~~together with the names of each laborer or mechanic violating such stipulation and the day of such violation, and the amount of the penalties stipulated imposed according to the stipulation in any such contract shall be directed to be withheld by the officer or person whose duty it shall be to~~ *pay approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents or employees, or any subcontractor, his agents or employees. No person on behalf of the United States, or any Territory, or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the Department making the contract or in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided, such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.*

Nothing in this Act shall apply to contracts for transportation by land or water, ~~nor shall the provisions and stipulations in this Act provided for affect so much of any contract as is to be performed by way of transportation, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government whether manufactured to conform to particular specifications or not.~~ The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this Act ~~provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent, or in any other case when in the opinion of the inspector or other officer in charge any great emer-~~



gency exists. No penalties shall be ~~exacte~~<sup>d</sup> imposed for ~~violations~~ any violation of such ~~provisions~~ provision in such contract due to extraordinary any emergency caused by fire, famine, or flood, ~~or due to by~~ danger to life or less to property, or by other extraordinary event or condition. Nothing in this Act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, ~~or as an attempt to abridge the pardoning power of the Executive.~~

Amend the title so as to read: "An Act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

This is the so-called Hitt bill, which was referred to the Secretary of Commerce and Labor under resolution of this committee on April 7, 1904.

Then I insert the House bill 11651, Fifty-ninth Congress, first session, found on page 36 of the report of hearings, Fifty-ninth Congress, 1906; and House bill 15651, first session Sixtieth Congress, which is the pending bill:

[H. R. 11651, Fifty-ninth Congress, first session.]

A BILL Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States or any Territory or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of five dollars for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, report to the proper officer of the United States or any Territory or the District of Columbia all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person, on behalf of the United States or any Territory or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall

make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to extraordinary emergency caused by fire or flood, or due to danger to life or loss to property. Nothing in this act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two, or as an attempt to abridge the pardoning power of the Executive.

[H. R. 15651, Sixtieth Congress, first session.]

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 29, 1908.—Mr. GARDNER, of New Jersey, introduced the following bill; which was referred to the Committee on Labor and ordered to be printed.

A BILL Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of five dollars for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon such work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions in this Act directed to be made in every such contract, together with the names of each laborer or mechanic violating such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor or any subcontractor. Any contractor

or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the Department making the contract, or in the case of a contract made by the District of Columbia to the Commissioners thereof, who shall have power to review the action imposing the penalty, and from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may appeal to the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court.

SEC. 2. That nothing in this Act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this Act during time of war or a time when war is imminent. No penalties shall be imposed for any violation of such provision in such contract due to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition. Nothing in this Act shall be construed to repeal or modify chapter three hundred and fifty-two of the laws of the Fifty-second Congress, approved August first, eighteen hundred and ninety-two.

I also insert the result desired by the friends of this legislation, as shown by the statement made by Mr. Gompers on page 55 of the report of hearings, Fifty-ninth Congress, 1906:

[From a statement made by Mr. Gompers, found in Senate Document 141, the second session of the Fifty-seventh Congress, made on June 3, 1902.]

Mr. Gompers, having this matter before him and pressed upon his attention, said: "We are endeavoring to secure the limitation of a day's work to eight hours. Where Government work enters into the operation of a plant, either in part or in whole, we expect that eight hours shall constitute a day's work by law and the limitation of a day's work."

Mr. PAYSON. That is what I wanted you to say.

Mr. GOMPERS. I am very glad, because I wanted to say it myself, and I want to emphasize it, if possible.

And in 1904, two years later, the same matter being under consideration by Mr. Gompers, he used this language:

"We have been asked how far does this bill go? How far do you want it to go? If we are candid, and we desire to be, as to how far, we would answer until it reached every man, woman, and child who works in the United States. And I trust that statement will be broad enough and comprehensive enough to satisfy the opponents of the bill."

I also insert the remarks made by Senator McComas, on page 110 of arguments before the Committee on Education and Labor, United States Senate, second session, Fifty-eighth Congress, and a formal statement made by Senator McComas, found on page 52 of the same hearings:

Mr. CALLAWAY. I will ask you what this bill does apply to, then?

The CHAIRMAN. I think it would apply, so far as the three years of hearings before us are concerned, to Government vessels, to these large marine engines, probably to large trains in the navy-yards, perhaps to heavy 30-ton mortar carriages. Beyond that I have not, in three years' hearings, anything in mind to which I could say this bill

really would apply. I do not mean to say that there are not other things, but they are not numerous.

Mr. CALLAWAY. Why would it not be a good idea, then, to specify those things and make it clear?

The CHAIRMAN. That would be unconstitutional, in my judgment.

Mr. CALLAWAY. Well, if that is all it is, it is unconstitutional just the same, whether you hit it straight or go around the tree for it; is it not?

The CHAIRMAN. No.

Mr. CALLAWAY. I can not see the difference if it has the same effect.

The CHAIRMAN. A general law and a special law are upon an entirely different basis.

Mr. CALLAWAY. Are you sure the Supreme Court will construe this bill as you do?

The CHAIRMAN. I can not be positively sure of what anybody else will do.

\* \* \* \* \*

The CHAIRMAN. I want to state here that I have been considering this measure for several years, and I am amazed to find the misapprehension the manufacturers and business men of this country have as to the scope of the bill. The infinite variety of things that people come here and say are covered by this bill, and the confusion and misapprehension that exist in regard to it amazes me, after giving it careful and patient reflection and study year after year. It does seem to me this misapprehension is being industriously spread by the gentlemen who are seriously opposed to this bill upon other grounds, in order that those who are not at all affected by it may be made anxious about it. I suppose that is to be expected. The language of the bill does not mean what has been claimed here. I think that intelligent lawyers, who differ about many things, have agreed and do agree with the statement I have just made.

Mr. DOWNEY. I appreciate that, Mr. Chairman, thoroughly. It is not for the contractor or for the Department to decide the fine points involved in this bill. I believe that, ultimately, the result will be as you say. But as the contractor can not decide it, and as the chief of the Department can not decide it, the contractor must go through all the machinery that you suggest, and finally to the Court of Claims. It makes it so difficult and so expensive that unless the amount involved is very large, the contractor simply can not afford to take advantage of the machinery.

The CHAIRMAN. I want to say that 95 per cent of the things contracted for and purchased by the Government are contracted for and purchased from materials, articles, and supplies that are excepted by the provisions of this bill. That is my judgment about the matter.

Mr. DOWNEY. That will have to be finally decided by the courts.

I also insert observations of Mr. Chairman Gardner, found on page 33 of the hearings before the House Committee on Labor, Fifty-ninth Congress:

The CHAIRMAN. While you are on your feet there, there is a matter I would like to mention. The McComas bill, the Hitt bill, so called, is spoken of in connection with the old bill known as the "Gardner bill," and you have said, I think, once before, that they all embody the same principle, and they are substantially the same. Do you mean to make that a matter of record as the position of yourself and your organization? It is claimed, I think, by the shipbuilding people that the report of the Committee on Labor of the Senate has had the effect of eliminating about everything but the shipyards. It was stated here the other day by Judge Payson, I think, that the Secretary of Commerce and Labor, or some person in authority there, says that from the bill under consideration last year, to wit, the bill as reported in the Senate by Senator McComas, about 95 per cent of the effect of the present bill was eliminated.

I call your attention to the fact that among the things which were in the original bill in the Committee on Education and Labor was a provision to give the right of appeal to the contractor to the Court of Claims, and conferring upon that court the jurisdiction to hear and determine, which it had not before. The old bill excepted from its provisions such materials as might be usually bought in the open market, whether manufactured to conform to particular specifications or not. That was amended in the Senate by inserting after "materials" the word "articles," making it "materials or articles," the term "articles" there covering materials which would be eliminated from the bill. Again, an amendment was put in over there in the following words: "Or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not." That is another broad elimination from the operation of the bill of a large part of the Government supplies. I do not know how far it would go. The allegation has been made against the bill as amended there that there was nothing left in it but the river and harbor work and the shipyards. I do not know whether the two phrases taken together—"or articles" and "supplies, whether manufactured to conform to particular specifications or not"—are not almost broad enough to include a ship.

I also insert remark made by Senator McComas, found on pages 61 and 62, arguments before the Senate committee, second session Fifty-eighth Congress:

The CHAIRMAN. If you can buy that in open market, and you want stone according to certain specifications—that is, stone of a certain kind or of a certain size—this bill would not affect it. Unlike the act of 1892, under which you are now working on public buildings, this bill excepts such matters from its operation.

I desire to say in this connection that with this opinion of Senator McComas, the chairman of this committee, Mr. Gardner has agreed, in statements before the committee.

I also insert extracts from the report of the Secretary of Commerce and Labor on House bill 4064, made January 27, 1905, and found on pages 16, 17, 18, and 19:

OPINION OF THE SOLICITOR OF THE DEPARTMENT AS TO THE SCOPE  
OF THE BILL.

DEPARTMENT OF COMMERCE AND LABOR,  
OFFICE OF THE SOLICITOR,  
*Washington, June 22, 1904.*

The honorable the SECRETARY OF COMMERCE AND LABOR.

SIR: I have the honor to acknowledge the receipt of a letter of Acting Secretary Murray, under date of the 14th instant, requesting my opinion on the scope of House bill No. 4064, entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

A careful study of the terms of this bill and of the statements and arguments made upon the several hearings before the committees to which it was referred, shows that it affects only those contracts which contemplate labor to be performed after the execution of the contract and in fulfillment of it. Labor performed upon or in connection with the subject-matter of the contract, prior to the execution of the contract, is not affected by the provisions of this bill; hence contracts made by the Government for the purchase of articles in existence do not come within the scope of the bill. But all contracts which contemplate the performance of labor after their execution, except in so far as the bill expressly excludes them, are affected by the provisions of the bill, whether the labor be expressly required by the terms of the contract or be necessarily involved; hence, subject to the express exceptions made in the bill, the following two general classes of contracts fall within the scope of the bill:

First, contracts solely for the performance of labor; secondly, contracts for the sale and delivery of materials or articles, where, from the terms of the contract, or the nature of the article, or the situation of the parties, or the circumstances of the case, it is contemplated, at the time of the execution of the contract, that labor will be performed upon or in connection with the material or article, in the fulfillment of the contract. Although contracts for transportation and contracts for the transmission of intelligence are contracts for labor, they are expressly excepted from the eight-hour provisions.

In addition to these, certain contracts which belong to the second class above mentioned are excepted from the operation of the bill. They are "contracts for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, and contracts for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not."

Both of these exceptions, in my opinion, are expressed in language which is vague. In case this bill becomes a law there will necessarily be a variety of interpretations made by executive officers, by contractors, by laborers, and by the courts until a clear and final determination has been made by the highest court of the land. My own opinion is that "such materials or articles as may usually be bought in open market" embrace all articles and materials, a stock or quantity of which is usually kept on hand for sale to the public, by some person making it his business to sell such articles. By virtue of the words "whether made to conform to particular specifications or not," it seems reasonably clear that if an article or material may usually be bought in the open market a contract for such article or material is not governed by the provisions of the bill limiting work to eight hours a day, even although the article or material, by the provisions of the contract, is to be made according to particular specifications.

Articles and materials, therefore, even although not of standard sizes, qualities, patterns, or types, would probably be within the exception and be excluded from the eight-hour provision if the same general kind of article in other sizes, qualities, patterns, or types was purchasable in the open market. There may be a point where variation from standard sizes, qualities, patterns, or types is so great as to make an article separate and distinct from any class usually found in the open market. Whether this is so must be determined in each case as it arises. It is impossible in advance to make a classification of the innumerable articles purchased by the Government and say which are excepted and which are not excepted by this bill. Purchasing officers of the various departments not only have the best means of knowing what are the articles purchased by their respective departments, but also whether such articles are usually purchasable in open market, and whether or not they depart to so great an extent from articles usually kept in stock for sale that the articles contracted for may be said not to be purchasable in open market. The chairmen and members of the committees of the Senate and of the House to which the bill was referred, the advocates and the opponents of its passage, upon the various hearings, expressed conflicting views as to the proper construction of the language embodying this exception in its application to numerous articles which were mentioned. It may be proper here to say that the chairman of the Senate committee to which the bill was referred, Senator McComas, who was the author of the language of the exceptions under consideration, declared that in his opinion 95 per cent of the articles purchased by the Government were excepted from the 8-hour provision of the bill. Personally I can lay down no more specific rule than that heretofore stated by me, leaving its application to those having to do with the cases as they arise.

The fourth exception in the bill is "contracts for the purchase of supplies by the Government, whether manufactured according to particular specifications or not." The word "supplies" is one which is used with a great deal of latitude. Its definitions vary from the comprehensive ones given in Webster's Dictionary and in the Standard Dictionary, viz. "that which supplies a want," "that which is or can be supplied; available aggregate of things needed or demanded," down through various limitations to the extremely narrow meanings given to it as used in appropriation bills where legislative provision for one class of articles has caused a general provision for "supplies" to be held not to include articles mentioned in other places in the bill which would, however, ordinarily fall within the term. This uncertainty in the use of the word "supplies" like the vagueness of the expression "such materials as may usually be bought in open market," in my opinion, makes it vitally necessary that the bill should be amended and more specific language used. Uncertainty as to the scope of these exceptions will doubtless result in contractors increasing the amounts of their bids or refraining from bidding. If they bid under the impression that the contract which is sought by them is within the exception, it may thereafter be determined that it is not within the exception, and, in such event, great loss would result to them.

The definitions of the word "supplies," given in the dictionaries which I have just cited, should not be adopted in the construction of this bill. To do so would be to nullify its provisions in toto. Furthermore, those definitions, in my opinion, give the primary rather than the ordinary or even the legal meaning of the word. On the other hand, I think there is no justification for giving the word the narrow meaning frequently given to it in the various appropriation bills. It should be given that meaning which it has long enjoyed in the general statutes of the Government relating to supplies. The word "supplies," as used in section 3709 of the Revised Statutes, has been construed by Second Comptroller Maynard and by Comptroller Tracewell (5 Comp. Dec., 65) as having reference to "those things which the well-known needs of the public service will from time to time require in its different branches for its successful and efficient administration." Without considering how accurate that definition was as the word is used in section 3709, I am of the opinion that the word "supplies," as used in the bill under consideration, relates to articles which are provided to meet well known, customary, and usual needs of the public service, as distinguished from exceptional or special needs. To a very large extent the idea of consumption or of destruction by use as distinguished from permanency of duration, and the consequent necessity of frequent renewal and of annual provision, is involved. Supplies ordinarily are incidentals. Furthermore, the word includes personalty but not realty. Public buildings, public works, public vessels, and all unusual purchases would not be within the meaning of the word "supplies." This last statement is not to be construed as implying that all other articles not mentioned in it constitute supplies. Doubtless many other articles than those mentioned would not be supplies, but it would be impossible to enumerate them in advance.

I return the paper submitted to me inclosed in the letter of the Acting Secretary of the 14th instant.

Respectfully,

W. M. COLLIER, *Solicitor.*

It should be stated in this connection that the Solicitor of the Department supplemented the report made in the above letter by a verbal statement to the effect that, according to his interpretation of the last sentence in the bill, the contracts falling within the scope of the law of August 1, 1892, would not be affected in any way by the proposed bill, but would continue to be governed by the provisions of that law.

It appears clear, from the opinion of the Solicitor as given above, that the proposed bill (H. R. 4064) covers a comparatively limited field, the most important industries affected being those of shipbuilding and iron and steel. A copy of the Solicitor's opinion was transmitted to the heads of the various Departments of the Government and lists were furnished the Bureau of Labor by each, containing the names of such contractors as would fall within the scope of the bill, together with the quantity and value of the various articles and materials furnished by each during the fiscal year ending June 30, 1903. After eliminating from these lists a number of establishments whose contracts amounted to but a small sum, inquiry was made both by the special agents of the Bureau and by letter, each contractor being requested to furnish the Bureau with a statement which would in effect be a reply to the inquiries contained in the resolution of the Committee on Labor of the House of Representatives. Replies were received from a considerable number of important firms, and these will be found, together with a summary of their contents, in Chapter II of the report.

Very early in the investigation, however, it became apparent that the replies to the inquiries contained in the resolution would be entirely in the nature of testimony, and would add but little to the expressions of opinion which have been made before the committee for several years and which are contained in their reports. It was therefore deemed necessary to secure, if possible, some more definite statements based upon actual experience. In order to secure data of this character, it was decided first to make an effort to ascertain the results secured under the eight-hour day and under the ten-hour day in the construction of the twin battle ships *Louisiana* and *Connecticut*. The *Connecticut* is being constructed in the Brooklyn Navy-Yard by the United States Government under the eight-hour day, while the *Louisiana* is being constructed by the Newport News Shipbuilding and Dry Dock Company, Newport News, Va., under the ten-hour day. The results of this investigation appear in Chapter III of this report.

I also insert page 213 of the report of the hearings before the committee of the House, first session, Fifty-seventh Congress, 1902, embodying remarks of Mr. Gompers as to the effect of these bills; also remarks made by Mr. O'Connell, representing organized labor, in the hearings before the Senate Committee on Education, second session Fifty-eighth Congress, pages 29 and 30:

MR. GOMPERS. \* \* \* We believe it will not be long when the eight-hour law shall pass, and I trust it may pass. If this bill shall become a law it will not long be possible to operate one branch of a plant on the eight-hour basis and another upon the ten-hour basis. No; we know what the effect of it will be, and it is because they, too, know the effect of what that law would be that they oppose it.

MR. PAYSON. And that we could then work some men eight hours on Government work only, and also work other men ten hours on private work? Do you think that plan could obtain in any establishment in this country?

MR. O'CONNELL. It might for a little while, until the men realize what is going on. Then the men who are working ten hours will simply say to you: "You will have to get other men to work for you."

MR. PAYSON. There will be a strike, of course; that is what it means.

MR. O'CONNELL. That will be the inevitable result.

I also insert remarks by Mr. Gompers, found in the arguments before the Senate Committee on Education and Labor, second session Fifty-eighth Congress, page 211; also remarks made by Mr. Gompers at the same hearing, page 213:

MR. GOMPERS. \* \* \* We are met by a very peculiar set of circumstances. Some of the opponents of the bill disagree as to the scope of it. One opponent who appeared before you yesterday stated that its ramifications would reach to all industries, and that none could escape; while another said that it meant nothing, and that it excepted all.

Senator DOLLIVER. What I want to get at is this: The recommendations of the Presidents have always been in general terms. They have avoided the indorsement of any particular pending bill. Would it not be perfectly possible to extend the eight-hour law so as to include, for example, contractors in the business of building ships, without undertaking to pursue the subject any further? Would not that be an extension of the present law?

Mr. GOMPERS. I do not see how it would be possible to express that in a law or how such a law would stand the test of the courts, for that would indeed be, what this has been said to be by the opponents of the bill, special or class legislation as applying to ships and not to anything else.

Senator DOLLIVER. That could be included in general terms. Suppose, now, the eight-hour law of to-day were made to include such public works or quasi public works as ships, and to govern the relations of the Government with contractors for such work, would not that be an extension of the present law?

Mr. GOMPERS. But it would be entirely ineffective.

Senator DOLLIVER. I am not talking about that. I am asking you whether it would not be an extension of the present law.

Mr. GOMPERS. It would be in terms, but not in effect or in practice.

\* \* \* \* \*

I want to say something about how this bill originated, not for the purpose of complimenting any man, but in order that I may set some men right and that credit may be given where it is properly due. The representatives of organized labor, having had a number of opinions from the Attorneys-General and rulings by the court and opinions by different administrative departments of the Government, came to Congress soon after the enactment of the law of 1892 seeking to have some amendments made to the bill. When we appeared before the House Committee on Labor urging those amendments, the Hon. John J. Gardner, then a lay member of the Committee on Labor, criticised our amendment and expressed the view that it would not stand the test of the courts. During an interesting address to the committee he indicated a thought by which a bill could be drafted which would not only be constitutional but would be effective.

The thought conveyed was that the Government, acting as a contracting party, could make it one of the conditions of the contract that those who did work for the Government should do the work under stipulated conditions, to be set forth in the contract, and that by applying the contract feature to the bill a law could be passed which would be constitutional and effective. It was then within a day or two of the adjournment of Congress. I felt very much chagrined, and so expressed myself before the committee, that the bill had been before Congress for a year and a half and at that late day a member of the committee should express what appeared to us to be a judgment adverse, and properly adverse, to the amendment, and that he should be the one to suggest a feature by which the bill could be amended and changed so as to be constitutional and effective.

Our bill amendatory of the eight-hour law, however, was reported favorably. The bill died with the expiration of the Congress. Thereafter the representatives of labor were in conference with Mr. Gardner frequently. He was reelected a Member of the succeeding House and we urged his appointment as chairman of the Committee on Labor. We were gratified with his appointment. The conferences with Mr. Gardner resulted in the first eight-hour bill containing the contract feature. I say to the opponents of our bill that they do no justice to Mr. Gardner and pay me a compliment to which I am not entitled when they designate this bill, or either of the bills that have been before Congress containing this feature, as the "Gompers eight-hour bill." I mention this so that you may all understand something of the history of the bill.

I also insert an extract from the Twentieth Opinions of the Attorneys-General, page 454. This was a case where the question was presented whether, in case of the employment of laborers on contracts for furnishing materials, such as post-office lock boxes, to go into a



public building, such materials came within the operation of the eight-hour law of 1892. In that opinion the Attorney-General uses this language (reads):

To hold that, in purchasing materials to be used in the erection and fitting up of public buildings, the requirement that such materials shall only have been manufactured by persons working eight hours a day, would render this law impossible of execution.

I also insert a statement made by Mr. O'Connell, found in the Senate hearings, second session Fifty-eighth Congress, page 15:

Mr. GOMPERS. Approximately, how many agreements has the International Association of Machinists and its subordinate local lodges or unions with employers of labor for the nine-hour day?

Mr. O'CONNELL. About 3,500 at this time. That does not include the shipbuilding industry, railroad employment, Government employment, or men employed in factories taking care of machinery. It means in the building and erection of machinery of various classes and kinds. Thirty-five hundred firms, employing almost 100,000 skilled machinists and at least 50,000 metal-working mechanics in addition, making in all, approximately, 150,000, have within the last twelve months received a reduction of one hour per day in labor and an increase in wages of approximately \$12,000,000.

In addition, Mr. Chairman and gentlemen of the committee, to what I have formally put into the record, and to which I do not care now to call particular attention, I desire to say that it has appeared frequently during the putting in of testimony, not only before committees at this session of Congress but also in earlier sessions, and especially in the Senate committee, when the bills were before the committee presided over by Senator McComas, that by exceptions which have been worked into these bills since they were originally introduced, there have been eliminated from the operation of the original bills practically 95 per cent of the purchases of the Government under contract, not including ships and the heavier iron works. That is to say, it was the judgment of the Senate committee, as expressed by Senator McComas and assented to by acquiescence of the members of his committee, that there remained not exceeding 5 per cent of the purchases of the Government under contract, by the operation of this bill, which would be subject to its operation.

It has been so stated repeatedly before this committee, and it has never been disputed, so far as I know. The views of the attorneys for the different opponents of this bill, in construing it, have been precisely the other way, as against this construction by the author and friends of the bill, that nearly everything contracted for by the Government, except ships and larger iron work, is excepted. Purchasing agents of the Army and Navy, both, say that after careful examination of this bill as it now stands it would embrace 95 per cent of all purchases by contract made by the Government, not including ships, vessels, and the larger iron manufactures for which the Government contracts.

As illustrative of that proposition, I have secured and exhibit now to the committee quite a large number of specifications for common, ordinary articles purchased by contract with the General Government. The fact is that these specifications show that practically everything which is contracted for by the General Government comes under the head of a specific manufacture of the thing desired.

I hold in my hand a crudely bound volume of specifications, covering all sorts of material and articles, for the inspection of such members of the committee as desire to look at it, not caring to burden the

record by printing it. But, as illustrating the course of the Government uniformly in all these matters, I call the attention of the committee to the specification for the common article of lantern used in the Navy, found in this volume, marked "17L2." These specifications cover two pages of fine-printed matter, which involve every detail, apparently, which the ingenuity of the writer could involve as to lanterns. I am authorized to say by the purchasing agent for the Navy Department that no lanterns approximating these in anything except in that they are called "lanterns" can be purchased in the open market; that they are specific manufactures for the Government.

No. 21I1 of the same volume contains specifications for wrought iron, such as is used in navy work in the navy-yards by the Government in its own operations. That covers practically two printed pages, showing the chemical composition, the tensile strength, and the different tests which must be applied, and providing for inspection as the process of manufacture progresses at the works of the contractor.

No. 21-I-2 shows specifications for iron used in the manufacture of chain cables, as to which the same observations may properly be made.

The CHAIRMAN. I think the particular specifications that clearly take those other articles out of the exception would clearly take these out.

Mr. PAYSON. I would prefer that they should go in the record. My suggestion was simply as a matter of economy for the Government.

The CHAIRMAN. I think they should go in.

Mr. PAYSON. Then these specifications, as will be noted, will be copied into the record [submits the following]:

17L2

**SPECIFICATIONS FOR DARK DECK HAND LANTERNS, ISSUED BY THE  
NAVY DEPARTMENT, SEPTEMBER, 1903.**

[Superseding Specifications "17L2," issued January, 1903.]

1. The body of the lantern will be made of No. 20 B. & S. (Brown & Sharp's) gauge spring brass. The total height, not including the bail, will be approximately  $11\frac{1}{4}$  inches and the diameter of the base  $6\frac{1}{4}$  inches, with a variation of one-fourth of an inch, more or less. The weight of the frame and lamp together, without the globe, will be approximately 5 pounds.

2. The lantern will be made with a hinged top, the hinge riveted and soldered or brazed in place, and the top held in place opposite the hinge with a spring catch secured in the solid metal or with rivets and solder. The top dome, hoop, and disk of frame will be spun together and perforated with holes to give a proper draft, and inside the dome will be fitted a disk backed with a spring which will set upon and hold the glass globe in place at the top.

3. The base of the lantern will be stiffened at the rim by spinning down to a cylindrical form for about five-sixteenths of an inch in height and by a solid arched bottom turned with an inside lip to support the lamp, which will pass through an orifice in the bottom of the base and be held in place by two side catch springs. The base from the cylindrical outer rim will be spun in fillets and corrugation to a height of about  $1\frac{1}{4}$  inches, and will then be joined to the cylindrical outer shell, which will be about  $2\frac{1}{8}$  inches in height and  $4\frac{1}{8}$  inches in diameter, and will be beaded at the bottom, turned over and stiffened at the top, and stiffened by beading at intervals along the body of the shell. Near the bottom of the shell there will be a suitable number of holes to give a proper draft to the lamp. An inside shell about 3 inches in height and about  $3\frac{1}{8}$  inches in diameter will be securely fastened to the bottom plate of the base, leaving a ledge to support the lamp and leaving an annular space of about one-fourth of an inch between it and the outer shell, forming a receptacle for the telescopic shade. Near the top of the inside shell will be a proper number of air holes to supply air to the lamp.

4. The shade will consist of two cylindrical rings of No. 20 B. & S. gauge spring brass, telescoped together and sliding freely one over the other, the outside ring being about  $2\frac{1}{2}$  inches in height and  $4\frac{1}{4}$  inches outside diameter, with an inside stop rim at the bottom. The inside ring will have an outside stop rim at the top, and the bottom will be secured flush on the inside to a base ring about  $3\frac{1}{4}$  inches inside diameter and  $4\frac{1}{8}$  inches outside diameter at the bottom, where it turns up to form a cylinder the top edge of which is stiffened by being turned outwardly over a wire, the height being about seven-sixteenths of an inch. To the base ring a spring latch of suitable form to hold the shade in place when up will be riveted and soldered.

5. The upright guards, six in number, may be made of single or double wire equivalent to at least No. 7 B. & S. gauge of hard brass and securely fastened both at the top and bottom of the guard frame, and two horizontal ring guards will be made of No. 7 B. & S. gauge hard brass wire, securely fastened to the upright guards by brass binders soldered into place or wrapped by the double wire or passing through holes in the solid metal; to be firmly soldered in every case, and a suitable catch will be made in the guard to receive the spring latch of the shade.

6. The lamp will be cylindrical or conical in form and approximately 3 inches in height above the base ring and  $2\frac{1}{2}$  inches mean diameter. The base ring will be about  $3\frac{1}{4}$  inches diameter at the bottom and be stiffened by filletting down to the diameter of the oil chamber, to which it will be securely soldered, the height of base ring being about seven-sixteenths of an inch. Two side spring latches will be secured to the lamp by rivets and solder and will pass through the base ring where they can be compressed by the thumb and finger to release the lamp from place.

The burner will be made of cast brass and two drawn or brazed conical tubes firmly secured in place and properly slotted for picking up the wick and pierced in the lower portion to admit oil to the wick. The burner will be made to standard size, seven-eighths of an inch outside diameter, and threaded with 27 threads to the inch.

7. The bails will be made of No. 6 B. & S. gauge hard brass wire, sufficiently high to permit a man's arm to pass freely between the bail and the top of the lantern, and when turned down it must turn in on the base of the lantern. The ears forming the support of the bail will be so formed that the bail will remain upright when so placed, but turn down readily when required.

8. The globes to be as nearly as possible  $5\frac{1}{2}$  inches in height and to have an average weight of at least 9 pounds per dozen; the outside diameter of the bottom to be  $3\frac{1}{8}$  inches; the outside diameter at top to be  $2\frac{1}{2}$  inches, and the greatest outside diameter  $3\frac{1}{4}$  inches, the general form being cylindrical, arched near the top into a smaller cylinder about one-fourth of an inch in height, and ribbed within one-fourth of an inch of the bottom, from which four upright ribs equally spaced will extend to near the arch as the top; to be clear colorless glass, free from all flaws and defects, fire polished and annealed.

9. The maker's name is to be legibly stamped on the top or dome of each lantern.

10. Two lanterns, taken at will by the board of inspection, will be filled with navy standard illuminating oil and trimmed. They will be lighted and placed where there is free circulation of air, and shall burn without flickering for at least one hour; the flame to be bright and steady.

11. All springs or stiffening wires will be made of spring brass. No iron or steel will be used in any part of the lantern.

Copies of the above specifications can be obtained upon application to the various navy pay offices or to the Bureau of Supplies and Accounts, Navy Department, Washington, D. C.

References: Eq., 222; 15421, Eq., 80434, September 12, 1903.

2111

#### SPECIFICATIONS FOR WROUGHT IRON ISSUED BY THE NAVY DEPARTMENT, JUNE 20, 1906.

[Superseding specifications 21 I-1 issued January, 1901.]

1. The material to be of the quality known as best American refined iron, of approved manufacture and composition, and free from any admixture of steel or steel scrap, cracks, flaws, scabs, or cinder patches. This material should not contain more than one-tenth of 1 per cent of phosphorus, nor more than four one-hundredths of 1 per cent of sulphur, and be free from other injurious chemical ingredients. The iron may be subjected to analysis by Government inspectors when required.

2. *Tensile test.*—Material will be tested in sizes rolled when practicable, and a sufficient number of tests shall be taken to thoroughly exhibit the character of the

material. Specimen bars of not less than 0.5 square inch sectional area must show an ultimate strength of not less than 48,000 pounds per square inch, an elongation of not less than 26 per cent, a contraction in area of not less than 43 per cent, and an elastic limit not less than one-half the ultimate strength. For sectional areas above 5 square inches a reduction of 1 per cent in elongation and contraction, and a reduction of 500 pounds in tensile strength, will be allowed for each additional 2 square inches of section or fraction thereof, provided the ultimate strength shall not fall below 45,000 pounds nor the elongation below 22 per cent in any specimen. A decrease of not more than 1 per cent in the elongation and contraction will also be allowed for each 1,000 pounds in tensile strength above 50,000 pounds, provided the elongation shall never fall below 22 per cent nor the tensile strength exceed 54,000 pounds in any specimens. (This allowance will be additional to that provided for sectional areas above 5 square inches, as far as elongation and contraction are concerned, within the limits named.)

3. *Cold bending*.—(a) A bar nicked approximately 20 per cent of its thickness and bent back at this point through an angle of 180° must show a long, clean, silky fiber, free from slag or dirt, or any coarse, crystalline spots. A few fine crystalline spots may be tolerated, provided they do not in the aggregate exceed 10 per cent of the sectional area of the bar.

(b) A bar not more than 1 inch in thickness, after being doubled and closed on itself, without hammering at the bend, must show no cracks or flaws.

4. *Hot test*.—(c) A bar not more than 1 inch in thickness heated to a yellow heat (about 1,700° F.) and suddenly quenched in water to between 78° and 82° F. must stand closing 180° to once the diameter of test specimen without showing flaws.

(d) A similar bar must be capable of being worked and welded in the ordinary manner without showing signs of red shortness.

(e) A rod or bar will be split at the end and each part bent back through an angle of 180°. It will also be punched and expanded by drifts until a round hole is formed whose diameter is not less than nine-tenths of the diameter of the rod or width of the bar. Any extension of the original split or indications of fracture, cracks, or flaws, developed by the above tests, will be sufficient cause for the rejection of the lot represented by that rod or bar.

5. Inspection to be made at place of manufacture. To avoid delay in making inspection, the contractor shall, when order is placed, notify the Bureau of Supplies and Accounts, Navy Department, where the material is to be manufactured.

6. All handling of material necessary for purposes of inspection shall be done, and all test specimens necessary for the determination of qualities of material used shall be prepared and tested at the expense of the contractor.

Copies of the above specifications can be obtained upon application to the various navy pay offices or to the Bureau of Supplies and Accounts, Navy Department, Washington, D. C.

References: Specifications for inspection of steel and iron material (C. and R.) May 25, 1906.

21-1-2

#### SPECIFICATIONS FOR IRON USED IN THE MANUFACTURE OF CHAIN CABLES ISSUED BY THE NAVY DEPARTMENT, OCTOBER 3, 1905.

[Reprint of specifications No. 48, issued by the Bureau of Equipment, Jan. 10, 1906.]

The bars must be of homogeneous iron and must not contain more than ten one-hundredths nor less than three one-hundredths of 1 per cent of carbon nor more than ten one-hundredths nor less than four one-hundredths of 1 per cent of phosphorus. Nor shall the sum of the carbon and phosphorus be more than fifteen one-hundredths of 1 per cent. The iron must not contain more than one one-hundredth of 1 per cent of sulphur nor more than ten one-hundredths of 1 per cent of either silicon or manganese.

Carbon.	Phosphorus.	Sulphur.	Silicon.	Manganese.
0.15				
0.03 to 0.10	0.04 to 0.10	0.01	0.10	0.10

2. The bars must be of such length that they may be cut into bolts, of which 24 shall make a pile weighing 300 pounds, and 1 inch shall be added to the length of each bar over and above the foregoing requirements.

3. The bars shall be in cross section, about 1½ inches square, and shall be free from jag ends.

4. This iron, as received, must have a tensile strength of not less than 49,000 pounds per square inch nor more than 53,000 pounds per square inch, an elastic limit of about 60 per cent of the breaking strain, an elongation of at least 30 per cent in a length of 8 inches, and a contraction of area of at least 40 per cent.

5. Bolts cut from 1 per cent of the bars rolled from this iron to 2½-inch round iron for cable making must stand bending cold until the sides are brought parallel, and separated from each other not more than one-half inch without showing signs of rupture. Such bolts must also have a tensile strength of not less than 48,000 pounds when rolled direct from 1½-inch square bar into a 2½-inch round bar. Bolts similarly rolled must also stand bending at red heat until the sides are close together without any signs of fracture. Such bolts as may be nicked and broken cold by slow bending must show fibrous.

6. One per cent of the bolts rolled from this iron to chain sizes will be made into test specimens of three links, and this "triplet" must stand a pull of at least 37,500 pounds to the square inch of the sectional area of the link in a 2½-inch chain and 41,000 pounds to the square inch of sectional area of the link in a 1½-inch chain; in other sizes the breaking strain to be proportioned between these limits.

7. No bars showing evidence of cold rolling will be accepted.

8. Physical tests to be made at the navy-yard, Boston, Mass., and all material before acceptance to be subject to inspection and the right to reject any or all of the same that does not, in the opinion of the inspector, fulfill all the requirements.

Copies of the above specifications can be obtained upon application to the various navy pay offices or to the Bureau of Supplies and Accounts, Navy Department, Washington, D. C.

Reference: E. O., Boston, No. 357, September 12, 1904, and Equipment No. 98614, 1904.

Mr. PAYSON. In the Army practically every character of articles contracted for by the War Department for army use is provided for by detailed specifications in the same way. The first one upon which I will lay my hand are the specifications for a common saddle. Now, I will say, Mr. Chairman and gentlemen, that of course there are saddles and saddles, and one would think you could go into the market and buy a saddle for a soldier of the Army to ride on; but I am authorized to say by the purchasing agent of the War Department that a saddle can not be found in the markets of the United States, made for sale in the markets, that the Government would accept for use in its service. I hold in my hand a specification for a saddle, which is not very long, and which I will ask to have inserted in the record, barring the illustration, unless you deem it advisable otherwise, Mr. Chairman.

The CHAIRMAN. I do not want to usurp the functions of the other members of the committee, but it seems to me the reasons given are vital to those who construe the bill either way. If some gentleman wants to hold that they are excepted, it is important, it seems to me, to have in the record the statement of the Department for the purpose of controverting it, if it may be controverted. If others are inclined to hold that they do not come within the exception, it is essential to have the facts straight in the record.

Mr. PAYSON. I think perhaps this could be duplicated. Perhaps my notions of economy may be somewhat strained.

The CHAIRMAN. When it comes to putting the cuts into the record, that is a different thing. The statement may be put into the record, with the explanation that it is illustrated by cuts.

Mr. PAYSON. Very well. The most casual examination of those specifications as to saddles will show anyone at all familiar with the subject that they are specific creations, and therefore, in the judgment of those of us who oppose the bill, they would not come within the exceptions in the bill. The same thing applies as to specifications for harness, for station wagons, and so on, used in the Army,

specification No. 2; and the same thing as to specifications for four-mule ambulance or wagon harness, specification No. 4.

An article of very common use out on the plains and on the frontier country is the pack saddle. These are very generally used in the Army, as we all know. Specification No. 8 shows the requirements for all pack saddles used in the Army, and, as I am authorized to say by the purchasing agent of the War Department, nothing approaching them can be found in the open market. They are specific creations; and while there are pack saddles and pack saddles that can be obtained, nothing would fill the army requirements except as it came under this specification No. 8.

During the hearings, Mr. Chairman and gentlemen, the manufacturers of textile goods have come both before this committee and the committee of the Senate. It has been insisted that they did not come under the operation of the bill because their products were made in factories, in a way, and were sold in the open market; but I offer specification No. 10 for woolen blankets used in the Army, and I am authorized to say by the purchasing agent of the War Department that this is a specimen of everything they require in that kind of goods in the Army and is illustrative of the exactness of the requirements on the part of the Government upon every contractor. It is accompanied by a cut showing exactly how the material has to be colored and woven and in and out. The "U. S.," indicating Government property, is woven into the center of the blanket, and every detail is given. Specification No. 10 shows that.

In the matter of clothing for the Army, everything that is made, not only as to pattern, material, seams, and stitching in every part, the waistband linings, the different loops, forms and shapes of pockets, straps, reenforcement of cloth, buttons, the kind of thread used, the workmanship and finish—all those things are provided for in detailed specifications, shown by specification No. 11, which applies as well to all other kinds of clothing which the Army requires.

The CHAIRMAN. The contention is that the purchasing agent would hold that they are not within the exception? Is that right?

Mr. PAYSON. Yes. That is exactly what I understand as to every one of these that I file.

The CHAIRMAN. Is not that the exact truth as to every pair of pants that is made to be put on the market and sold as clothing, made for every clothing house in the country?

Mr. PAYSON. No, sir. It is true as to none of them. You can not find in any clothing house in the country, as I will show you later on, such articles. They can not be found in any clothing house in the Union.

The CHAIRMAN. That is not the point. The Government sends out this specification, and tells how they are to be sewn, how the pockets are to be cut, and—

Mr. PAYSON. Yes; and the kind of thread to be used; some cotton and some linen.

The CHAIRMAN. Yes; and does not every clothing house that contracts or orders clothing to be made, to be put upon the market ready-made, make precisely those specifications? I do not mean a specification just like the War Department makes, but specifications of their own.

Mr. PAYSON. I am unable to answer that.

The CHAIRMAN. The bearing of the suggestion that I make is that in the course of trade, if those things were not within the exception, that construction means that there is not anything that can be bought in the market, in the open market, that could be contemplated by legislation. A statute can not contemplate the shape of a pocket in a pair of trousers to be sold over the counter. It can not contemplate the width of the binding that goes on the vest, that goes with the pants. It can not contemplate the width of the hem at the bottom, and if that specification as to the shape of a pocket and the width of the belt takes them out of the exception, then, as I see it, that construction carried on would simply arrive at the point that there is nothing that could be bought in the open market under the bill.

Mr. PAYSON. That is our contention, Mr. Chairman.

The CHAIRMAN. I do not see how we can abolish the open market for everything except raw material, in its primary sense, like grown cotton. I suppose that the merchant, ordering things for sale, makes specifications as to the whole of them, except in those rare instances where he is willing to accept some brand of the firm. Probably the stationer, in ordering pencils from the Dixon Graphite Company, would order "Dixon's No. 12;" but if he wanted something unusually soft, or the lead a little under the average size, he would so say in his letter, and that letter itself would amount to a specification. But I do not see how it could be held that the statute contemplated the precise manner in which anything is to be made.

To revert again to articles of clothing, the statute could not contemplate that they should be cut away 7 inches in the front, or only 2½ inches, or that the bindings should be an inch and a half and not an inch, or that the hem at the bottom should be an inch and not an inch and a half; and if the man ordering them wanted them made that way and specified it, I confess I do not see how that takes them out of the list of things that can usually be bought in the open market. That is all I wanted to say.

Mr. PAYSON. You must keep in mind exactly what we are trying to do now. Here you have a bill which at the outset is intended to bring about an eight-hour day in every field of human endeavor where the Government is interested as a contracting party. That is the avowed object of the bill. Now you eliminate from that broad field a number of exceptions, as to which you and the friends of the bill have frequently said the bill would not apply; and as to the precise matter now in hand you say in the bill that "this bill shall not apply to such materials or articles as may be usually bought in the open market," whether made to conform to particular specifications or not. Now, the construction of that clause, as you will bear me witness, has been a matter of frequent discussion between the friends and opponents of this bill before this committee. The friends of the bill have had one view of it, and the opponents have had another view. The friends of the bill are pleased to say that whenever anything can be usually bought in the open market, as, for example, clothing, then that clothing does not come within the operation of the bill, but is excepted by this provision. The opponents of the bill, the manufacturers who have to deal in these things, say that when they are called upon to tender a contract for clothing, and harness, and saddles, and all that sort of thing, instead of there being such things as are usually bought in the open market, every one of them is a specific

manufacture required by the War Department, and that they have to comply with that, and therefore it does not come within the operation of the exception under the operation of the law, and they would therefore be obliged to work eight hours a day in the manufacture of that thing, and while they could buy clothing in the market, yet the particular kind of clothing required would have to be a specific creation, made expressly for this purpose, and therefore that it would not fall within the exception.

The other day there was an animated discussion between you and some gentleman occupying a seat at the end of the table as to whether or not a dress coat, made expressly for him according to his directions, might come within the exceptions of the bill. Your idea was that it would not come within the exception. Now I hold in my hand an exhibit for the purpose of illustrating what I say—some cuts that I will show the members of the committee here—illustrating what is required as to all these articles of clothing; illustrations of every one of them. For instance, there is a khaki coat to be furnished to the private soldier. It must be made exactly in accordance with that cut, and directions are given how the goods shall be made, and how many threads shall be made to the inch, and how the patches shall be put on. You can not buy that coat if you go into any clothing store in the United States of America. That coat is not usually sold in the market, although other coats may be sold, other coats of yellow cotton cloth. It is the same way as to the trousers. I have illustrations of those. They look rather ridiculous to me.

I exhibit for purposes of illustration to the committee the kind of trousers, woolen service breeches, specifications as to how they shall be cut and fastened below the knee, all about the thread to be used, such a number of silk threads, and such a number of linen threads; and here is a patch on the seat, to go on so many inches from the top, and every possible detail must be complied with strictly or the Army will not receive it.

Here is an illustration as to the khaki cloth they wear, for foot soldiers and mounted soldiers, and they have to conform to every specific detail of these illustrations or the Army will not receive them.

Our contention is that everything of that kind comes within the operations of this bill, notwithstanding the exceptions in it. If we are right in our contention, then every one of us are subject to the provisions of the bill every time we attempt to make a contract with the Government for the production of these things. Of course this is not the place or the time to determine which of us is right authoritatively, but I simply put this in the record as the basis of argument hereafter, that this bill is vastly broader than is claimed for it or than it is conceded to be.

The CHAIRMAN. It seems to me, in order to get it right in the record, and in a perfectly fair light—because the truth is always fair—I do not know how often or just where it has been averred that the object of the bill, as averred by all its friends, has been to establish an eight-hour day. My own conviction has been for at least six years that the effect of the legislation, especially in its original form, would be not to affect materially the hours of employment in private business, but that it would of necessity lead to the Government becoming its own manufacturer. That has been my view of it.



Mr. PAYSON. You mean in every field of purchase? That is your idea, that it would be brought about?

The CHAIRMAN. Eventually. The Government manufactures clothing very largely now in the arsenals.

Mr. PAYSON. Yes. May I interrupt you for a moment? Have you ever heard that asserted before in either committee, or ever heard that it was asserted in either committee? For the record will you state, Mr. Chairman, kindly, whether you have ever heard that view expressed of the intention of this legislation—expressed by any of the friends of the bill until to-day? I confess I never have.

The CHAIRMAN. I do not know whether it has gone into the record or not, but I have stated it in talking about the bill more than once.

Mr. PAYSON. I have never heard it.

The CHAIRMAN. There have often been scraps of testimony put in, leading or pointing to that direction, as I recollect it. For instance, I have always regarded all that has been said about things being done in Government factories abroad as looking in that direction and bearing upon that. Some newspaper clippings were put into the record the other days of what has been done in Japan.

Mr. PAYSON. That is the instance of Japan building on its own hook one battle ship.

The CHAIRMAN. Do not understand that I am pretending to voice the views of anyone else. Nobody voicing the labor side of this bill has ever discussed those questions with me.

Mr. PAYSON. But, on the other hand, Mr. Chairman, you remember repeatedly, on being pressed as to the intentions on the part of the friends of this bill, my friend, Mr. Gompers, has repeatedly said that the intention of this legislation was to bring about an eight-hour day in every field of employment where the Government had contracts as to the subject-matter of the employment.

The CHAIRMAN. Mr. Gompers can speak for himself. My understanding was that he was saying those things in a general advocacy of an eight-hour day, not attempting to point out what this bill would do.

Mr. PAYSON. In that connection, Mr. Chairman, at this point let me call attention to an extract found on page 3 of the hearings before the House Committee on Labor in February and March, 1908, this Sixtieth Congress; a quotation from a colloquy between Mr. Gompers and myself back in 1902. This quotation is as follows (reads):

In response to a question asked by Judge Payson in 1902, and a similar question in 1904, Mr. Gompers made the intent and desire of the proponents of this legislation very clear by saying on the last occasion:

"We are endeavoring to secure the limitation of a day's work to eight hours. Where Government work enters into the operation of a plant, either in part or in whole, we expect that eight hours shall constitute a day's work by law and the limitation of a day's work.

"Mr. PAYSON. That is what I wanted you to say.

"Mr. GOMPERS. I am very glad, because I wanted to say it myself, and I want to emphasize it, if possible.

"We have been asked how far does this bill go? How far do you want it to go? If we are candid, and we desire to be, as to how far, we would answer until it reached every man, woman, and child who works in the United States. And I trust that statement will be broad enough and comprehensive enough to satisfy the opponents of the bill."

The CHAIRMAN. Right there, Judge: It is not for me to construe Mr. Gompers's language, especially when he is present; but I do not

think you can gather from that a determination, or a hope, even, that this bill would establish an eight-hour day generally throughout the country.

Mr. PAYSON. Not at all, but the entering wedge in that regard.

The CHAIRMAN. There is nothing in the language I see that might not just as well mean that all the work done for the Government should be done on the eight-hour plan if the Government had to do it itself.

Mr. DAVENPORT. On page 6 of the hearings this year is a quotation by me from Mr. Gompers's testimony when he appeared before this committee in 1902, to be found on page 213 of the hearings before this committee at that time. Here it is (reads):

✓ The other alternative is conceded to be the inevitable result, both by those who oppose the bill and those who favor it; and in that connection I want to read from the statement made by Mr. Gompers, who appeared before this committee in 1902, and it is to be found on page 213 of the hearings before this committee at that time, when Judge Payson stated, as he had previously stated, that it would be impossible for any plant to run a part of the time doing Government work for eight hours and other work for ten hours, and that the purpose of this bill was to compel every one of those concerns to go to the eight-hour basis. This is Mr. Gompers's statement:

"Judge Payson did me the honor, and did our movement the honor, to state candidly our position so far as this bill is concerned. That is what we hope to accomplish. We believe exactly what some of the employers who appeared before this committee and other committees upon the subject say. We believe it will not be long when the eight-hour law shall pass, and I trust it may pass. If this bill shall become a law, it will not long be possible to operate one branch of a plant on the eight-hour basis and another upon the ten-hour basis."

The CHAIRMAN. I do not think that statement necessarily implies the construction given to it. Others can judge as well as I can in that regard, and Mr. Gompers can speak for himself.

Following are War Department exhibits filed by Mr. Payson.

#### SPECIFICATIONS FOR RIDING OR WAGON SADDLE.

[Approved July 17, 1907.]

##### TREE.

To conform in measurement and shape to the drawing herewith. The drawing represents a saddle with a 11½-inch seat. For saddles of other size seats the necessary changes in measurements will be proportional.

*Bars.*—To be made of well-seasoned elm or gum, symmetrically shaped.

*Cantle.*—To be made in one piece of well-seasoned beech, sawed with the grain.

*Fork.*—To be made of two pieces of well-seasoned sycamore, the parts to be securely joined with a tongue of sycamore.

*Angle iron.*—To be pressed from 18-gauge (Brown & Sharpe gauge) soft black steel.

*Stirrup loops.*—To be made of malleable iron and to conform in measurement and shape to the drawing mentioned.

*Horn.*—To be of malleable iron, size and shape as shown in drawings, and known as the Omaha repair horn, or equal. Head to be made of poplar secured with two ½-inch No. 7 screws.

*Assembling.*—Fork and cantle to be secured to bars with cement-coated wire nails; angle iron to be riveted securely to cantle and bars with six rivets, two in cantle and two in each bar; stirrup loops to be attached to bars with a flat loop of 18-gauge (Brown & Sharpe gauge) galvanized soft steel, secured with three rivets; horn to be secured to fork with two 1-inch No. 7 screws at the base and two 1½-inch No. 12 screws through the prong. All parts to be nicely finished, the wood parts to be well rubbed with raw linseed oil.

*Covering.*—To be the best No. 1 raw beef hide, sewed with thongs of the same material.

The above constitutes the finished tree.

The finished tree to be covered with the best russet collar leather; the edge on cantle to be reinforced with an extra welt. To be stitched with four-cord No. 3 yellow shoe thread well waxed with yellow wax, eight stitches to the inch.

## STRAPS AND MISCELLANEOUS PARTS.

The accompanying illustration shows the relative positions of the straps and parts, the manner and place of attaching and assembling same. All leather parts to be made of No. 1 russet leather unless otherwise stated.

All thread to be best four-cord No. 3 yellow shoe thread well waxed with yellow wax.

All stitching to be not less than six stitches nor more than eight to the inch.

*Adjustable quarter straps (No. 1).*—To be  $1\frac{1}{2}$  inches wide, secured in front to bars and forks with seven  $\frac{1}{4}$ -inch No. 8 brass screws and in rear to bars with two  $\frac{1}{4}$ -inch No. 8 brass screws; to angle iron with three No. 8 copper rivets. Laps to be 3 inches, riveted with No. 10 copper rivets and sewed with two rows of stitching. Straps to be of such a length and so adjusted that the top of quarter strap ring will be 7 inches directly below bars, measured from a point on bars at center of stirrup loop.

*Stirrup straps (No. 2).*—To be 5 feet long,  $1\frac{1}{2}$  inches wide, made up with a  $1\frac{1}{2}$ -inch No. 52 XX black japan roller buckle, secured with a 3-inch lap, three rows of stitching.

*Coat straps (No. 3).*—To be five in number, three passing through strap holes in and footman loops on the cantle, two passing through footman loops on bars in front of fork. To be 3 feet long,  $\frac{1}{2}$  inch wide, to be made up with a  $\frac{1}{2}$ -inch solid military center bar brass buckle, secured with a 2-inch lap, two rows of stitching. To have at a point on underside of strap 10 inches from buckle end a leather stop, secured with a No. 10 copper rivet.

*Quarter strap rings (No. 4).*—To be a 3-inch No. 1 (Brown & Sharpe gauge), japanned, malleable breeching ring.

*Quarter strap ring safe (No. 5).*—To be two-ply  $6\frac{1}{2}$  by  $5\frac{1}{2}$  inch circle corners; stitching, eight stitches to the inch. To be attached to quarter strap ring by two chapes securely riveted to safe with No. 10 copper rivet.

*Cincha strap (No. 6).*—To be the best latigo leather, 4 feet 6 inches long,  $1\frac{1}{2}$  inches wide, secured to quarter strap ring with a 2-inch lap, three rows of stitching.

*Sweat leathers (No. 7).*—To be 20 inches long over all,  $9\frac{1}{2}$  inches wide at the widest part; to have a flexible stirrup shield 5 inches in length; shape to be as shown in illustration. To have top, bottom, and center loops of  $1\frac{1}{2}$ -inch leather, for stirrup straps to pass through; these loops to be secured with No. 10 copper rivets with two rows of stitching at each rivet.

*Cincha (No. 10).*—Cincha ring (No. 8); cincha ring safe (No. 9). To be 24 inches long, out to out of rings. To have twenty-four strands of the best hard hair; to have three crossbars; cincha rings to be 4-inch No. 0 (Brown & Sharpe gauge), japanned, malleable, breeching rings. The cincha ring safe, which is 6 inches in diameter, is to be attached to rings with a leather covering, as shown in illustration.

*Stirrup (No. 11).*—To be  $4\frac{1}{2}$ -inch extra heavy, solid bent Texas stirrups, made of the best hickory and oiled; to have two bolts and plates; bar to be leather covered.

*Cantle ovals (No. 12).*—To be made of 20 gauge (Brown & Sharpe gauge), sheet brass, longest diameter  $1\frac{1}{8}$  inches, shortest diameter 1 inch; to have strap holes  $\frac{1}{4}$  by  $\frac{1}{4}$  inch. To be six in number, secured as facings to strap holes in cantles, with  $\frac{1}{2}$  inch brass brads.

*Footman loops (No. 13).*—To be of fine solid brass, low pattern, size  $\frac{1}{4}$  inch. To be six in number, secured by  $\frac{1}{4}$ -inch brass screws, as follows: Two on bars at the thickest part in front of quarter straps passing over fork; two on back of cantle just below cantle ovals of outside strap holes; two on bars in rear of cantle, placed on quarter straps  $2\frac{1}{2}$  inches from lower edge of bar, measurement to be made along quarter strap to center of footman loop.

*Rings (No. 14).*—To be  $\frac{1}{2}$ -inch, medium weight, solid brass, to be four in number, placed in footman loops on cantle and footman loops on bars in front of forks.

## GENERAL PROVISIONS.

All material to be of the best quality; workmanship to be first-class in every respect. The saddles will be subject to careful inspection, both during manufacture and in the finished state, by an inspector of the Quartermaster's Department, officer, or agent of that Department. To be like or equal to the sealed standard sample in all respects.

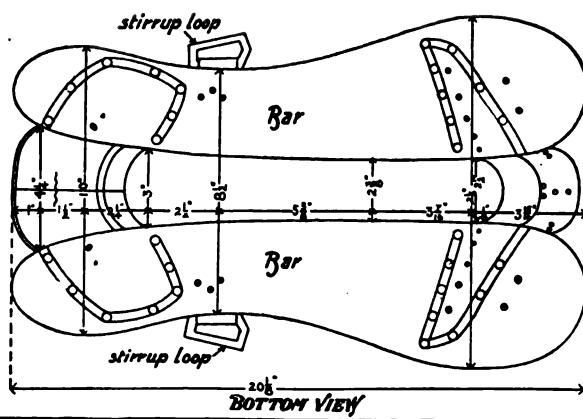
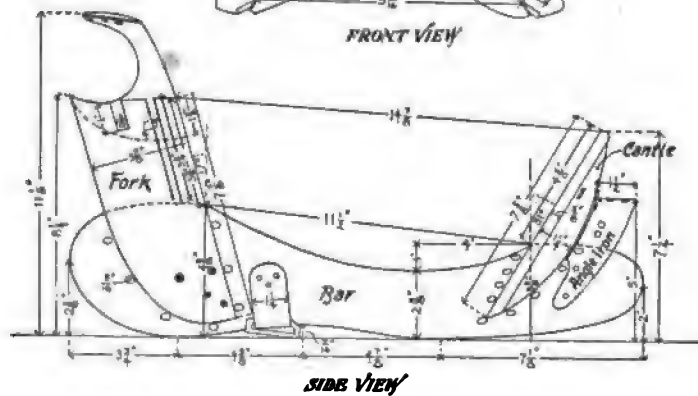
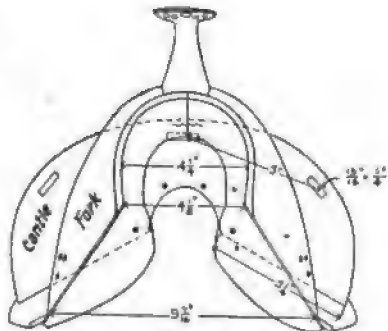
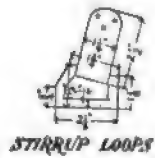
Q. M. G. O., July 17, 1907.

Approved:

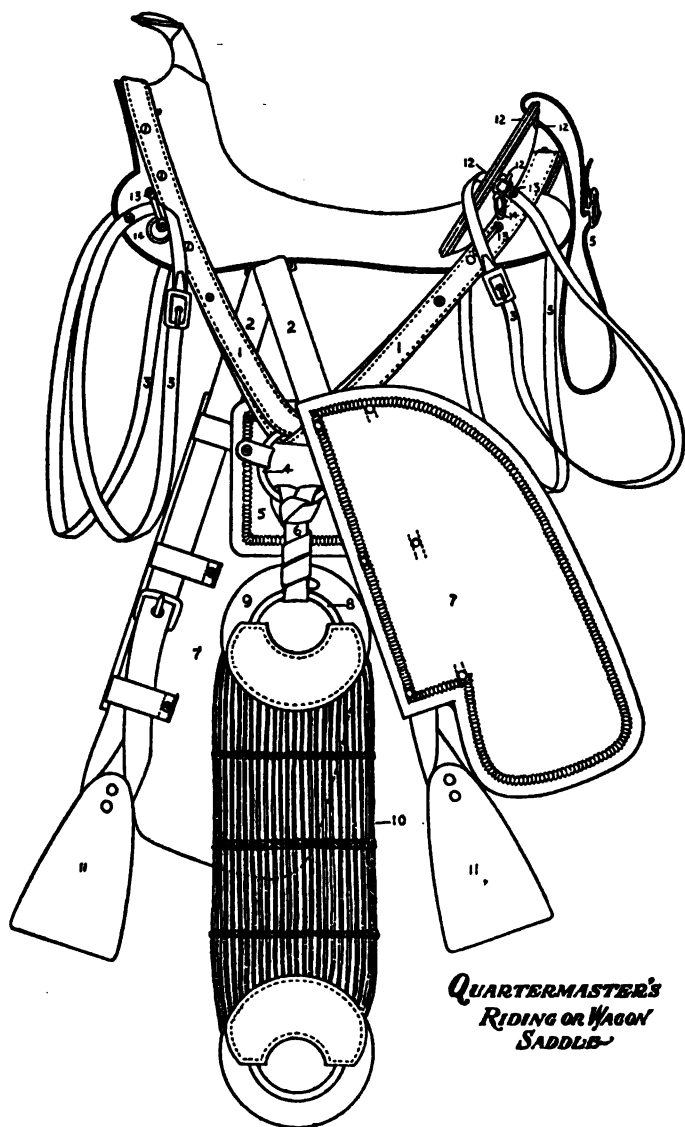
J. B. ALESHIRE,  
Quartermaster-General, U. S. A.



**TREE of  
QUARTERMASTER'S  
RIDING OR WAGON  
SADDLE**







## SPECIFICATIONS FOR STATION WAGON HARNESS WITH BREECHING.

[Approved by the Quartermaster-General, U. S. Army, September 6, 1905. No. 136155.]

*Bridles (2)—Crownpiece.*—Twenty-four inches long,  $1\frac{1}{4}$  inches wide, split  $6\frac{1}{2}$  inches at each end to form  $\frac{3}{4}$ -inch billets to receive buckles of cheek pieces and throat strap, with raised layer on top 12 inches long, with  $\frac{3}{4}$ -inch brass dee at each end to receive gag straps,  $\frac{3}{4}$ -inch buckle chape and loop in center for billet of winker stay.

*Gag strap.*—Twelve inches long,  $\frac{3}{4}$  inch wide, lap  $1\frac{1}{2}$  inch,  $\frac{3}{4}$ -inch buckle and loop, two  $\frac{3}{4}$ -inch slide loops, two ring gags, No. 23 or equal, solid brass, 1 by  $1\frac{1}{4}$  inches. Hand stitched.

*Fronts.*—One-inch solid brass chain, No. 80 or equal.

*Rosettes.*—No. 80 Star Armour, or equal,  $2\frac{1}{4}$ -inch solid brass.

*Throat strap.*—Nineteen inches long,  $\frac{3}{4}$  inch wide, buckle and loop,  $2\frac{1}{2}$ -inch lap at each end.

*Cheek pieces.*—Five-eighths inch wide, 8 inches between buckles, box loops, 20 inches from top buckle to end of billet,  $2\frac{1}{2}$  inches extended laps below buckle, with solid brass oval cheek loop to receive nose bands and billets.

*Blinds.*—No. 5 C,  $\frac{3}{4}$  inch or equal.

*Winker stay.*—Fifteen inches long,  $1\frac{1}{4}$  inches wide, split 8 inches, rounded 7 inches, inserted 1 inch into blind, billets 7 inches, tapering to  $\frac{3}{4}$  inch.

*Face drops.*—Patent leather, style No. 7, lined or equal.

*Reins.*—Rounded 14 inches, with solid brass  $\frac{3}{4}$ -inch ring on upper end,  $1\frac{1}{2}$ -inch lap, lower ends to have 13 inches cut,  $\frac{3}{4}$ -inch billets, with extended lap  $4\frac{1}{2}$  inches long, loop each end of buckle, center rein 60 inches long,  $\frac{3}{4}$  inch wide, stitched into ring of one round, with  $2\frac{1}{2}$ -inch lap, other end reversed, with  $\frac{3}{4}$ -inch buckle and two slide loops in other round. All laps hand stitched.

*Nose bands.*—Made up 31 inches long,  $1\frac{1}{4}$  inches wide, scalloped, doubled and stitched front, raised center, four rows stitching, with slotted holes to pass over cheek loop, 14 inches from center to center of holes, chin part to taper to  $\frac{3}{4}$  inch, with  $\frac{3}{4}$ -inch buckle and loop,  $2\frac{1}{2}$  inch lap one end, other end  $\frac{3}{4}$ -inch billet.

*Bits.*—Coach elbow, No. 40, or equal, No. 1 quality, reversible steel cheek, round sliding beam, solid nickel.

*Curb strap.*—Twenty-four inches long,  $\frac{3}{4}$  inch wide,  $\frac{3}{4}$ -inch buckle and loop, lap  $1\frac{1}{2}$  inches, two slide loops. Hand stitched.

*Two hitch reins.*—Seventy-eight inches long;  $\frac{3}{4}$  inch wide, 10-inch billet,  $\frac{3}{4}$ -inch buckle and loop, 3-inch lap one end, other end  $\frac{3}{4}$  inch, japanned snap, stitched on with  $2\frac{1}{2}$ -inch lap;  $\frac{3}{4}$ -inch brass slide ring between snap and billet. Hand stitched.

*Collars.*—Light coach, patent leather rim and back, fair kip grain leather face, to be lapped at throat not less than  $2\frac{1}{2}$  inches, well shaped to receive hames, solid rim to measure not less than 3 inches nor more than  $3\frac{1}{2}$  inches outside, belly to be well faced with best quality hair, ticking between straw and hair; bulge at point of shoulder to measure not less than 9 inches nor more than 10 inches exclusive of rim, middle seam to be four stitches to the inch with four-cord No. 10 thread, outside seam to have folded welt, same stitches as other seam, with double ends, welt to be one of solid piece, same quality as face of collar, to be finished as follows: Well capped with soft leather, two billets, buckles and chape, with harness leather pad 8 inches long,  $5\frac{1}{2}$  inches wide, secured to collar on one side with same stitches as billets, other side to have  $\frac{3}{4}$ -inch loop, chapes and billets to have 3-inch lap with not less than 30 stitches.

*Hames.*—Four pounds, full brass, 2 inches larger size than collars, three-hole face clip, finger draft eye strap and eye, kidney links and rings,  $1\frac{1}{2}$ -inch oval solid brass.

*Spread straps.*—Twenty inches long,  $\frac{3}{4}$ -inch wide,  $\frac{3}{4}$ -inch buckle and loop, lap  $1\frac{1}{2}$  inches, two slide loops, with  $1\frac{1}{2}$ -inch white celluloid ring. Hand stitched.

*Hame straps.*—Upper 26 inches long,  $\frac{3}{4}$  inch wide, lower 22 inches long,  $\frac{3}{4}$  inch wide, each with  $\frac{3}{4}$ -inch brass roller buckle and two loops 3 inches lap. Hand stitched.

*Hame tugs.*—Buckle  $1\frac{1}{4}$  inches, side loop, English wire bent heel, solid brass, safe  $20\frac{1}{2}$  inches long;  $2\frac{3}{4}$  inches at clip end,  $3\frac{1}{4}$  inches at buckle to form buckle safe, layer cut 34 inches long,  $1\frac{1}{4}$  inches wide, shaped to pass through box loop  $7\frac{1}{2}$  inches long and form buckle chape  $1\frac{1}{4}$  inches wide; patent leather fronts from loop to clip, with two rows false stitching.

*Pad tugs.*—Four inches long,  $\frac{3}{4}$  inch wide,  $3\frac{1}{4}$ -inch box loop,  $\frac{3}{4}$ -inch buckle, one end; other end secured to loop in trace buckle. Hand stitched.

*Belly band fillets.*—Twelve inches long,  $\frac{3}{4}$  inch wide, attached to bottom loop of trace buckle, with 3-inch lap, to have extra filler properly punched to receive belly band buckle. Hand stitched.

*Trace.*—Seventy-two inches long,  $1\frac{1}{4}$  inches wide, doubled and stitched, four rows stitching, raised center, one end punched to buckle into trace buckle, other end to have dart hole.



**Breeching.**—Bodies  $1\frac{1}{2}$  inches wide, 42 inches between outside dees, inside layer cut 46 inches long,  $1\frac{1}{2}$  inches wide; outside layer 58 inches long to form 6-inch scallop points at each end, points to lap on side straps, four rows stitching on bodies, raised center, four  $\frac{3}{4}$ -inch box loop tugs, hand stitched, 4 inches long,  $\frac{3}{4}$ -inch buckle one end, other end secured to breeching with  $\frac{3}{4}$ -inch Philip's harness dee, one at each end and one 8 inches from each end; one trace bearer No. 7 or equal attached to outside of breeching on underside or bottom opposite end of tug; plain leather carriers on inside of breeching secured by 1-inch Philip's dee.

**Side straps.**—Fifty-two inches long,  $1\frac{1}{2}$  inches wide, cut length to extend 4 inches into body of breeching, properly punched to buckle in trace buckle.

**Hip straps.**—Cut 56 inches long, 2 inches wide; each end split 19 inches to form  $\frac{3}{4}$ -inch billets to buckle into breeching tugs, cut shaped to fit hips, reduced center to  $1\frac{1}{2}$  inches to pass through openings in turnback, three scallops on each side, with double scallop opening on each side.

**Turnback.**—Double reversed, bodies 23 inches long,  $1\frac{1}{2}$  inches wide, split 9 inches to form two waved billets for crupper buckles, reversed strap 60 inches long,  $\frac{3}{4}$  inch wide, lapped 14 inches on body with return filler opening 14 inches from end of billet for hip strap to pass through,  $\frac{3}{4}$ -inch buckle with  $\frac{3}{4}$ -inch cut loop in front of box loop  $3\frac{1}{2}$  inches long on each side of hip-strap opening.

**Cruppers.**—Round, soft,  $4\frac{1}{2}$  inches, stuffed with flaxseed,  $\frac{3}{4}$ -inch buckle, chape and loop on each end outside seam.

**Coach pads.**—"The Belle," or equal,  $1\frac{1}{2}$ -inch swell, three screws, trimmed with solid brass  $1\frac{1}{2}$ -inch terrets, flat top pedestal coupe hook No. 5 swivel end dees.

**Skirts.**—Two and one-half inches at swell,  $1\frac{1}{2}$ -inch bottom,  $15\frac{1}{2}$  inches from bottom pad screw to end of skirt lined slight raise, four rows stitching, billets 12 inches long,  $\frac{3}{4}$  inch wide secured between skirts and lining with 3 rows stitching.

**Housing.**—Six-inch felt lined No. 80 solid brass chain, or equal.

**Market strap.**—Ten inches long,  $\frac{3}{4}$  inch wide, double and stitched into end dee of pad.

**Bellybands (saddle).**—Twenty-one inches long,  $1\frac{1}{2}$  inches wide, two-ply raised center buckles set back to form safe, 17 inches between buckles, top of body punched to receive buckle chape; chape, hand stitched, 3 inches long,  $\frac{3}{4}$  inch wide,  $\frac{3}{4}$ -inch roller buckle, 4 rows stitching.

**Billet bellyband.**—Twenty-five inches long,  $\frac{3}{4}$  inch wide,  $\frac{3}{4}$ -inch roller buckles on each end, 3-inch laps. Hand stitched.

**Choke strap bodies.**—Three feet long,  $1\frac{1}{2}$  inches wide, 10 inches long,  $\frac{3}{4}$ -inch wide billet on lower end set to receive buckle at end of body when turned, 3-inch billet 20 inches long,  $\frac{3}{4}$  inch wide stitched on upper end with extended lap and  $\frac{3}{4}$ -inch buckle, with No. 7 (or equal) frog body passing through lining of frog. Hand stitched.

**Yoke strap.**—Three feet 6 inches long, double and stitched 4 rows,  $1\frac{1}{2}$  inches wide, 2-inch box loop on top, 1-inch cut loop on each side of box loop on bottom side,  $1\frac{1}{2}$ -inch solid brass roller buckle.

**Lines (double).**—All black, each side 15 feet long, inside checks 78 inches long,  $\frac{3}{4}$  inch wide, front end to have  $\frac{3}{4}$ -inch buckle with 12-inch billet,  $4\frac{1}{2}$ -inch extended laps;  $\frac{3}{4}$ -inch cut loop in front of buckle, 2-inch box loop back. Other end to have  $\frac{3}{4}$ -inch buckle, 2-inch box loop,  $3\frac{1}{2}$ -inch lap. Outside check 84 inches long,  $\frac{3}{4}$  inch wide, front end to have buckle and billet same as inside check, other end to have 5-inch scalloped point stitched on hand parts. All stitching by hand.

**Hand parts.**—Ninety-six inches long,  $1\frac{1}{2}$  inches wide attached to fronts, other end to have  $\frac{3}{4}$ -inch buckle and billet, one celluloid ring,  $2\frac{1}{2}$  inches, for cross checks.

**General provisions.**—All buckles not otherwise specified to be English wire, solid brass bent heel.

All straps or billets to be properly punched.

All edges to be properly edged and with flesh side blacked (no creasing) and polished.

All stitching not otherwise specified to be done by hand, or lock stitch machine, 10 stitches to the inch, with 4-cord No. 3 Barbour's thread, well waxed with black wax. Beginning and ending of all laps to have not less than one back stitch.

All leather to be No. 1 oak or hemlock tanned (as per specifications at depot); work to be done in the best workmanlike manner. Inspection to be made during manufacture, and final inspection to be made on receipt of harness at depot.

Size of collars to every 25 double sets: Ten 19 inches, twenty 20 inches, and twenty 21 inches.

Hames to measure 2 inches longer than size of collars.

General depot of the Quartermaster's Department, Jeffersonville, Ind., September 19, 1905, L. R. No. 11, 1905. Amended February 18, 1907.

## SPECIFICATIONS FOR PHILIPPINE PONY HARNESS, SINGLE SETS.

[Approved, Indorsed: April 7, 1906, Q. M. G. O., No. 127938.]

**Bridle—Crown piece.**—One and one-half inches wide, 20 inches long, split  $6\frac{1}{2}$  inches at each end, so as to form two  $\frac{1}{2}$ -inch billets, to receive buckles of cheek pieces and throat latch, with lay on top 1 inch wide, 8 inches long, raised center, with  $\frac{1}{2}$ -inch dee rings, No. 454, at each end, to attach straps of ring gag runners with  $\frac{1}{2}$ -inch buckle chape and loop in center to receive winker stay billet.

**Gag straps.**—One-half inch wide, 11 inches long, with  $\frac{1}{2}$ -inch buckle and loop, with two  $\frac{1}{2}$ -inch slide loops.

**Gags.**—Plain gag runner.

**Rosettes.**—No. 1717 "or equal," 2 inches, solid nickel.

**Fronts.**—No. 30, "or equal," 1 inch, solid nickel, leather bodies, double curb chain, beaded outside edge, 14 inches long over all.

**Throat latch.**—Five-eighth inch wide, 16 inches long,  $\frac{1}{2}$ -inch buckle and loop at each end, with 3-inch laps.

**Cheeks.**—Five-eighth inch wide,  $\frac{1}{2}$ -inch buckle, to be 6 inches between buckles, with box loops, 17 inches from top buckle of cheeks to end of cheek billets, with solid nickel cheek loops stitched in below buckles to receive the noseband and cheek billets, with 3-inch extended laps on billets.

**Blinds.**—Coach, No. 5 C, "or equal,"  $\frac{1}{2}$ -inch, swell, patent winker leather, grain leather lined, two rows false stitching, one row to secure lining of blinds.

**Winker stays.**—One and five-eighths inches wide, 13 inches long, one end split 7 inches, rounded 6 inches, 1 inch inserted in blinds, billet on other end 6 inches long, tapered to  $\frac{1}{2}$  inch to buckle in crown piece.

**Bridle reins.**—Billet ends rounded each 14 inches (in clear), sewed into  $\frac{1}{2}$ -inch No. 6 wire ring at one end, with  $1\frac{1}{2}$ -inch lap; 7 inches billet (in clear),  $\frac{1}{2}$ -inch buckle, 3-inch extended lap at other end, with  $\frac{1}{2}$ -inch loop in back and front of buckle, center reins,  $\frac{1}{2}$  inch wide, 44 inches long, sewed into ring of round at one end with 2-inch lap, and buckled into ring of round at other end, with  $\frac{1}{2}$ -inch reversed buckle, and two  $\frac{1}{2}$ -inch slide loops, one  $\frac{1}{2}$ -inch slide loop on back of center.

**Nose band.**—One and one-eighth inches wide, 28 inches long, doubled and stitched "scalloped" raised front, with slotted holes (13 inches from center of holes) to pass over cheek loops, chin parts cut to  $\frac{1}{2}$  inch at points, with  $\frac{1}{2}$ -inch buckle and loop.

**Bits.**—Standard, nickel, jointed Hanoverian or gig.

**Hitch reins.**—Six feet 8 inches long,  $\frac{1}{2}$  inch wide, billets on one end 10 inches long (in clear),  $\frac{1}{2}$ -inch buckle and loop sewed in with 3-inch laps, japanned  $\frac{1}{2}$ -inch snap, sewed in with 2 $\frac{1}{2}$ -inch lap at other end, to have a loose  $\frac{1}{2}$ -inch japanned No. 6 wire ring between billet and snap.

**Collar.**—Buggy, patent leather rim and back, fair kip grain leather face, to be lapped at throat not less than 2 inches, solid rim to measure not less than 3 inches, "outside," belly to be well faced with best quality of Western hog hair, ticking to be between straw and hair, bulge at point of shoulder to measure not less than 9 inches, "exclusive of rim," the middle seam to be stitched by hand, three to the inch, with double ends 6-cord No. 12 Barbour's shoe thread, well waxed with black wax, the outside edge to be with folded welt, stitched by hand, with the heavy waxed thread, five to the inch, the welt to be sewed in between back and face of collar, seams to be on inside, the welt to be in one solid piece of same leather as face of collar, the collar to be finished with two buckle chapes; each 3 inches long,  $\frac{1}{2}$  inch wide, with  $\frac{1}{2}$ -inch English wire buckle and  $\frac{1}{2}$ -inch loops, two billets each 7 inches long (in clear),  $\frac{1}{2}$  inch wide; billets, chapes and loops to be the best oak-tanned harness leather, edges creased and blacked, chapes and billets attached to collar with 3-inch laps, not less than 24 stitches to the lap, including two drop stitches at upper end of outside row, ends of collar to be neatly capped before finishing, pads of solid harness leather, corners rounded and properly skived, pad to be 7 $\frac{1}{2}$  inches by 5 $\frac{1}{2}$  inches, attached to collar by the same stitches as billets, leaving the stitches smooth and no knots under pads, to have one loop  $\frac{1}{2}$  inch wide encircling collar and neatly stitched to one end of pad; size and name of maker, and date of contract to be neatly stamped on billets.

**Hames.**—Gig, 3 $\frac{1}{2}$  pounds, full close plate solid white nickel, 1 $\frac{1}{2}$ -inch terrets, plain heavy English wire pattern, double anchor draft eyes, with two holes outside clips, with  $\frac{1}{2}$ -inch oval head rivets.

**Hame straps.**—Upper,  $\frac{1}{2}$  inch wide, 24 inches long; lower,  $\frac{1}{2}$  inch wide, 18 inches long; each to have 3 $\frac{1}{2}$ -inch laps,  $\frac{1}{2}$ -inch wire roller buckle,  $\frac{1}{2}$ -inch loops.

**Turnback.**—Bodies, 1 $\frac{1}{2}$  inches wide, 58 inches long, split 8 inches at one end so as to form two  $\frac{1}{2}$ -inch billets for crupper buckles, bodies lined 13 inches, with 3 scallops on each side, to have opening 1 $\frac{1}{2}$  inches wide, 12 inches from end of billets for hip

straps to pass through, the front reduced to  $\frac{1}{2}$  inch, and to form reversed strap with  $\frac{1}{2}$ -inch buckle and two  $\frac{1}{2}$ -inch slide loops.

*Crupper*.—Round, soft,  $3\frac{1}{2}$  inches, outside measurement, made with two  $\frac{1}{2}$ -inch buckles and loops; to be stuffed with flaxseed, outside seam.

*Hip strap*.—One and one-half inches wide, 40 inches long, split 16 inches at each end so as to form  $\frac{1}{2}$ -inch billets to buckle in breeching tugs, center reduced to  $1\frac{1}{2}$  inches to pass through opening in turnback with one scallop on each side.

*Breeching*.—Bodies  $1\frac{1}{2}$  inches wide, to be 36 inches between Dees, outside layer cut 46 inches long, inside layer cut 36 inches long, each to be  $1\frac{1}{2}$  inches wide, outside layer made to embrace Dees at each end with 4 inches skived laps, inside layer channeled and stitched on overlaps, the breeching to be (two ply), doubled and stitched raised center, to be made with round edge and to be  $\frac{3}{8}$  inch thick at edges, to have one  $1\frac{1}{2}$ -inch No. 454 breeching Dee at each end, with 3 inches of stitching in center of each end, to have 4 breeching tugs, each 4 inches long,  $\frac{1}{2}$  inch wide, with box loop, one tug in each breeching Dee, one 6 inches from each Dee, to be secured to body of breeching with Philip's harness Dees.

*Choke-straps*.—Bodies  $1\frac{1}{2}$  inches wide, 34 inches long, with reversed  $1\frac{1}{2}$ -inch buckle at lower end forming loop for bellyband, billet on upper end  $\frac{1}{2}$  inch wide, 20 inches long, with  $\frac{1}{2}$ -inch buckle with 4-inch laps,  $1\frac{1}{2}$  inches above,  $2\frac{1}{2}$  inches below buckle, with  $1\frac{1}{2}$ -inch box loop, patent leather fall inserted between body and billets; body of choke-strap to pass through lining of frog.

*Hame tugs*.—Safes  $2\frac{1}{2}$  inches at buckles,  $2\frac{1}{2}$  inches at clips,  $11\frac{1}{2}$  inches long, to form buckle safes, layers  $1\frac{1}{2}$  inches wide, cut 21 inches long and shaped to pass through box loops  $4\frac{1}{2}$  inches long, and to form buckle chapes  $1\frac{1}{2}$  inches wide, with patent leather front, two rows false stitching, length of tug from buckle to clip 8 inches, outside clips.

*Traces*.—One and one-fourth inches wide, 64 inches long, raised center, to be finished with round edges and to be  $\frac{3}{8}$  inch thick at edges, with  $1\frac{1}{2}$ -inch dart hole at one end stitched all around, to have 6 holes at other end  $2\frac{1}{2}$  inches between holes, to buckle in hame tugs.

*Saddle*.—Three-inch, English coupe, hand laced, beveled edge, tapered patent leather skirts, leather jockey, enameled leather pad, hair stuffed, 1-inch sliding back band, pedestal coupe hook,  $1\frac{1}{2}$ -inch English wire terrets; billets 12 inches long, 1 inch wide, to be fastened to skirts at lower end and properly punched to buckle in bellyband. Skirts to be 18-inch (pony size).

*Shaft tugs*.—One inch wide, 12 inches long (made up), with 1-inch No. 454 harness Dee, properly placed for billets; tugs to be made with round edge, to be  $\frac{1}{2}$  inch thick at edges; billets 12 inches long, 1 inch wide, with 3-inch laps.

*Saddle bellyband*.—One and three-fourths inches wide, 17 inches long (two ply), doubled and stitched, buckles set back to form safes; top of body punched to receive bottom of buckle chapes; chapes 1 inch wide, 3 inches long, with 1-inch roller buckles, 1-inch loops. Bellyband to be made with round edge,  $\frac{1}{2}$  inch thick at edges.

*Shaft bellyband and billets*.—One inch wide, 30 inches long, with 1-inch roller buckle at each end, 1-inch loops, 3-inch laps; billets 30 inches long, each end out length.

*Quarter straps*.—One inch wide, 48 inches long (made up), with 6-inch laps, 1-inch loops, 1-inch buckle, to have stitching over laps.

*Lines*.—All black, 26 feet long, front parts  $\frac{1}{2}$ -inch wide, 72 inches long, billets  $\frac{1}{2}$  inch wide, 12 inches long (in clear), square point  $4\frac{1}{2}$ -inch laps,  $2\frac{1}{2}$  inches in front, 2 inches in back of buckle,  $\frac{1}{2}$ -inch loop on each side of buckle; hand parts  $1\frac{1}{2}$  inches wide, 84 inches long, attached to front parts with 6-inch scalloped lap,  $\frac{1}{2}$ -inch buckle,  $1\frac{1}{2}$ -inch lap,  $\frac{1}{2}$ -inch billet at other end.

*Sizes of collars*.—Five 17-inch, five 18-inch, ten 19-inch and five 20-inch, in each 25 single sets. Hames to match collars in each case.

*General provisions*.—All measurements given are for parts made up, except those otherwise specified; allowance to be made for laps, chapes, etc., the whole to be made in the best workmanlike manner throughout and of the best materials, all leather not otherwise specified to be the best quality pure oak-tanned black harness, free from defects; buckles to be English wire bent heel, heavy pattern, all buckles and trimmings to be solid white nickel, unless otherwise specified; all stitching to be done by hand, 8 stitches to the inch, unless otherwise specified, with 4 cord No. 3 Barbour's white shoe thread, well waxed with black wax; the beginning and ending of stitching in all laps to be secured with two drop stitches; all straps, billets, loops, chapes, safes, layers, laps, and edges to be neatly edged, blacked, creased by hand, and finished; straps and billets to have proper number of holes punched; points on billets, layers, and straps to be round or pencil shaped; the harness to be stamped on crown piece, inside of breeching, and trace with the name of manufacturer and date of contract; the harness shall be subject to inspection by an officer or agent of the Quartermas-

ter's Department during progress of construction. Final inspection will be made upon delivery.

Jeffersonville Depot, Quartermaster's Department, March 15, 1905. Req. No. 2300-1904. Q. M. G. O., No. 127958. }

# **SPECIFICATIONS FOR FOUR-MULE AMBULANCE OR WAGON HARNESS, PATTERN OF 1900.**

## **WHEEL.**

*Two bridles.*—Crownpieces, 2 feet 2 inches long,  $1\frac{1}{2}$  inches wide, split 7 inches, so as to form straps to receive buckles of cheek pieces  $\frac{1}{4}$  inch wide, and buckles to throat latches,  $\frac{1}{4}$  inch wide; chape on top  $\frac{1}{4}$  inch wide, secured with stitches and No. 10 copper rivet and burr, with rein ring  $1\frac{1}{2}$  inches, No. 3, and  $\frac{1}{4}$ -inch buckle to receive winker stay and face piece.

Throat straps, 1 foot 7 inches long,  $\frac{1}{4}$  inch wide, with buckle on each end, laps 2 $\frac{1}{2}$  inches long.

Front pieces, 1 foot 4 inches long, including loops, which crownpiece is to pass through; to be  $\frac{1}{4}$  inch wide, 2 $\frac{1}{2}$ -inch laps, with  $1\frac{1}{2}$ -inch brass U. S. filled rosette on each side; letters to be  $\frac{3}{4}$ -inch; loops, 1 by  $\frac{1}{4}$  inch inside measurement, of No. 8 wire.

Cheek pieces, 8 inches long,  $\frac{1}{4}$  inch wide,  $\frac{1}{4}$ -inch buckle, and two  $\frac{1}{4}$ -inch cut loops on upper ends,  $1\frac{1}{2}$ -inch No. 4 ring on lower ends. One side to be stitched by hand.

Blinds or winkers, 4 $\frac{1}{2}$  by 5 $\frac{1}{2}$  inches in the clear,  $\frac{1}{4}$  inch thick, of two thicknesses solid harness leather, corners rounded, two rows of stitching  $\frac{1}{4}$  inch apart around the edges; one  $1\frac{1}{2}$ -inch brass U. S. filled ornament on each.

Blind or winker stays, 1 foot 2 inches long,  $1\frac{1}{2}$  inches wide, split 7 inches at one end, tapered to  $\frac{1}{4}$  inch at other end.

Face pieces, 2 feet long,  $1\frac{1}{2}$  inches wide, split 10 $\frac{1}{2}$  inches, stitched by hand into cheek rings with laps 2 inches long at one end, one scalloped wave in center, tapered to  $\frac{1}{4}$  inch at other end.

Bit straps, 10 inches long,  $\frac{1}{4}$  inch wide, with buckle, and two loops stitched in, with lap 2 $\frac{1}{2}$  inches long, stitched by hand.

*Bits.*—Standard No. 47 A, jointed, all wrought, loose rings, 2 $\frac{1}{2}$  inches inside diameter, japanned, to weigh from 7 to 8 pounds per dozen.

Long reins, 4 feet 6 inches long,  $\frac{1}{4}$  inch wide; billets 9 inches long,  $\frac{1}{4}$  inch wide, with buckle on one end, the other end to be properly pointed and punched; laps 3 inches long, stitched by hand.

Short reins, 2 feet long,  $\frac{1}{4}$  inch wide, with  $\frac{1}{4}$ -inch buckle on one end; billets 9 inches long,  $\frac{1}{4}$  inch wide, with buckle on other end; laps 3 inches long, stitched by hand.

Rein straps, 8 inches long,  $\frac{1}{4}$  inch wide, with  $1\frac{1}{2}$ -inch No. 3 ring stitched into one end; billet 7 inches long,  $\frac{1}{4}$  inch wide, with buckle on other end; laps 2 $\frac{1}{2}$  inches long, stitched by hand.

*Two hair collars.*—Best quality No. 1 kip leather, blacked, solid backs, well shaped to receive hames, solid rim, to measure not less than 5 inches; bellies to be well faced with best quality clean picked Western hog hair, stuffed with long straw, ticking between hair and straw, bulge at point of shoulder to measure not less than 12 $\frac{1}{2}$  inches; to be lapped at throat not less than 2 inches, middle seamed with strong leather thong, with not less than 10 stitches to the foot; outside seam to be hand-stitched—3 to the inch—with double ends of five-cord No. 10 thread, well waxed with black wax; to have  $\frac{1}{4}$ -inch welts, all in one piece; wear leathers on shoulder point to measure 4 $\frac{1}{2}$  inches long next to rim and 5 $\frac{1}{2}$  inches at outer edge; to be capped with collar leather before finishing; to be finished with 2 buckle chapes, each 3 $\frac{1}{2}$  inches long, with  $\frac{1}{4}$ -inch buckles and  $\frac{1}{4}$ -inch loops; 2 billets each 7 inches long in clear,  $\frac{1}{4}$  inch wide, stitched on with 3-inch laps; chapes and billets to be stitched to collars with double ends of five-cord No. 10 thread, well waxed with black wax, each lap to have not less than 24 stitches, which includes 2 drop stitches at upper end of each row; chapes, loops, and billets to be of best quality harness leather, edges creased and blacked; pads of solid smooth harness leather, 8 inches long, 6 inches wide, corners rounded, edges skived properly, and to be attached to collar by same stitches that secure the billets; to have harness-leather loops  $\frac{1}{4}$  inch wide encircling collar, neatly stitched to pads; sizes of collars to be stamped on one billet and manufacturer's name on other; sizes of collars to run from 18 to 22 inches.

*Two pair hames.*—Wood, white ash, 25 $\frac{1}{2}$  inches end to end; 3 mortised top loops,  $\frac{1}{4}$  inch by  $1\frac{1}{4}$  inches; length from bottom loop to lower top loop, 18 $\frac{1}{2}$  inches; to second loop, 20 $\frac{1}{2}$  inches; to upper loop, 22 $\frac{1}{2}$  inches; width at shoulder,  $1\frac{1}{4}$  inches; backs, soft steel,  $\frac{1}{4}$  inch by  $\frac{1}{4}$  inch, 26 $\frac{1}{2}$  inches over all, including loop; carried around bottom end

and riveted through wood, inclosing bottom loop offset for strap  $1\frac{1}{2}$  inches wide with roller; riveted to wood with 6 rivets, including one for bottom loop. Line rings, 2 inches inside measurement,  $\frac{1}{2}$  inch diameter, shoulder for stud riveted through wood to washer. Staples,  $\frac{7}{8}$  inch, soft steel, riveted to wrought plate,  $\frac{3}{4}$  inch by  $2\frac{1}{2}$  inches, No. 12 gauge. Breast rings, 2 inches by  $\frac{3}{4}$  inch, soft steel, attached by twist links into staple. Finish, black steel, roughly polished, varnished. Clips,  $\frac{3}{4}$  inch,  $\frac{3}{4}$  inch wide, with 3 holes for rivets.

*Four hame straps.*—Upper, 2 feet 4 inches long, 1 inch wide; lower, 1 foot 10 inches long, 1 inch wide, with buckles and  $\frac{1}{4}$  inch loops; laps 3 inches long, stitched by hand.

Two breast straps, 5 feet long,  $1\frac{1}{2}$  inches wide, with  $1\frac{1}{2}$  inch japanned, malleable, barrel pattern, roller trace or pole-strap buckles No. 53, and two  $1\frac{1}{2}$ -inch loops, stitched in with a 9-inch lap, one  $1\frac{1}{2}$ -inch japanned Sargent's No. 6 snap, and one  $1\frac{1}{2}$ -inch slide loop on each strap.

Two choke straps, 3 feet long,  $1\frac{1}{2}$  inches wide, with reversed  $1\frac{1}{2}$ -inch buckle stitched in one end, forming a loop, with  $1\frac{1}{2}$ -inch No. 1 ring in the loop; billet, 1 foot 8 inches long,  $1\frac{1}{2}$  inches wide, with buckle on other end: laps to be  $3\frac{1}{2}$  inches long, No. 8 copper rivet and burr in each lap. Stitched by hand.

Four traces, 5 feet long,  $1\frac{1}{2}$  inches wide,  $\frac{1}{2}$  inch thick, three ply solid leather, three rows of stitching, center row to extend from triangle to 6 inches of front end of traces, with a three-waved safe, 12 inches long in front; waves to measure  $3\frac{1}{2}$  inches,  $3\frac{1}{2}$  inches, and 3 inches wide, riveted to hames with clips at front end; back end to be stitched into  $1\frac{1}{2}$ -inch roller triangle of chains with return lap 5 inches long. Chains 30 inches long, including triangle and hook, of No. 1 iron, 9 twisted links to the foot, with  $1\frac{1}{2}$ -inch roller triangle of No. 0 iron, and swivel below first link on one end; a well-shaped malleable hook  $3\frac{1}{2}$  inches long, greatest thickness  $\frac{1}{4}$  inch at other end; links to be properly shaped to receive hooks. Straps 12 inches long, clear length,  $1\frac{1}{2}$  inches wide, riveted on to sides of traces to go over back-strap tugs, front ends riveted on 12 inches from front end of traces with one No. 8 copper rivet and burr, back end forming a return lap  $2\frac{1}{2}$  inches long, holding  $1\frac{1}{2}$  inch No. 456 D, riveted on with two No. 8 copper rivets and burrs.

Two back straps, 3 feet 4 inches long,  $3\frac{1}{2}$  inches wide, tapering to  $1\frac{1}{2}$  inches at each end to buckle into tugs; layer  $17\frac{1}{2}$  inches long,  $2\frac{1}{2}$  inches wide, rounded at each end, bound with plain black leather, stitched on; four brass  $1\frac{1}{2}$ -inch filled U. S. ornaments on each; with solid leather waved loops, 8 inches long,  $1\frac{1}{2}$  inches wide on top to hold crupper in place, secured at each end to layer and back strap with one No. 10 copper rivet and burr, and one of above-mentioned ornaments; pads all in one piece, of soft, smooth, body leather, 17 inches long,  $2\frac{1}{2}$  inches wide, filled with goat hair; to have two rows of stitching to form a divide of  $1\frac{1}{2}$  inches in center, secured on bottom of back strap with same stitches that secure the layer on top of back strap.

Four back-strap tugs and bellyband billets, 19 inches long,  $1\frac{1}{2}$  inches wide, combined, so as to form tugs  $3\frac{1}{2}$  inches long with  $1\frac{1}{2}$ -inch buckle, wedge and  $1\frac{1}{2}$ -inch loop stitched in to receive back strap;  $1\frac{1}{2}$ -inch opening properly wedged at each side through which traces slide, and bellyband billets 14 inches long; laps 3 inches long, with No. 8 copper rivet and burr through tug and billet laps. Stitched by hand.

*Two bellybands.*—Heavy single leather, 22 inches long,  $2\frac{1}{2}$  inches wide, with  $1\frac{1}{2}$ -inch buckles and chapes 4 inches long, stitched on each end, back far enough to form safes; No. 8 copper rivets and burrs in laps.

*Two breeching bands.*—Bodies, heavy single leather, 3 feet 4 inches long,  $2\frac{1}{2}$  inches wide, with layers 11 inches long,  $1\frac{1}{2}$  inches wide at each end, with  $1\frac{1}{2}$ -inch No. 1 rings stitched in; the return end of layer to extend back on body 4 inches, secured to body with No. 8 copper rivet and burr before layer is stitched on; four hip-strap tugs,  $4\frac{1}{2}$  inches long,  $\frac{1}{2}$ -inch wide, stitched by hand, with buckle and two  $\frac{1}{2}$ -inch cut loops in each, two of these tugs to be stitched into the breeching rings, and two to be secured with 1-inch No. 454 D's between the layer and body by the regular stitches and No. 10 copper rivets and burrs, 6 inches from end of body.

Breeching straps, 2 feet long, 1 inch wide, with buckle and two  $\frac{1}{2}$ -inch loops on each; laps 3 inches long. Stitched by hand.

Cruppers or turn-backs, 5 feet long,  $1\frac{1}{2}$  inches wide, with reversed buckle stitched in front end, with lap 3 inches long, forming loop; back end stitched into a 2-inch No. 1 ring with 5-inch lap;  $1\frac{1}{2}$ -inch No. 456 D stitched in middle of lap in front of ring; wedges and No. 8 copper rivet and burr in front and back of D; solid, smooth leather safe, 8 inches long, tapering from  $4\frac{1}{2}$  inches to  $1\frac{1}{2}$  inches wide under the ring and D. Stitched by hand.

Hip straps, 2 feet long,  $1\frac{1}{2}$  inches wide, one end stitched into crupper ring, with 3 rows of stitching; laps  $3\frac{1}{2}$  inches long; other end split 18 inches, to form straps  $\frac{1}{2}$ -inch wide, to buckle into breeching tugs.

Side straps, 3 feet 6 inches long,  $1\frac{1}{2}$  inches wide; one end stitched into breeching-band ring, reversed buckle stitched into other end, forming loop with  $1\frac{1}{2}$ -inch No. 5 Sargent's snap and slide loop; laps 3 inches long. Stitched by hand.

. One pair double lines, 30 feet long, 1 inch wide, with buckles and billets, checks 6 feet long, Warner's japanned loop, bar, roller, buckles on back ends of checks; billets to be 9 inches long in the clear, 1 inch wide; loops  $\frac{1}{2}$ -inch wide; laps to be  $3\frac{1}{2}$  inches long, secured with three drop stitches in center of each skived end of each lap; two drop stitches at end of each row of stitches at buckles, and at beginning and ending of stitching in laps without buckles; all buckles to be 1 inch except at center of lines, which will be  $\frac{1}{2}$  inch. Stitched by hand.

*Two neck straps.*—One in every four single sets of harness to be provided with neck strap 3 feet 3 inches long, the other three out of four to be 3 feet 1 inch long; all 2 inches wide, layer  $9\frac{1}{2}$  inches long,  $1\frac{1}{2}$  inches wide, stitched on top 2 inches from point; other end to have 2-inch buckle and  $1\frac{1}{2}$ -inch loop stitched into extended return lap  $6\frac{1}{2}$  inches long, with three rows of stitching 4 inches long, balance of lap to hold neck-chain loop secured with four No. 8 copper rivets and burrs.

Two neck chains, 4 feet 6 inches long, twisted No. 3 iron links, fourteen to the foot, with 2-inch No. 2 iron loop to rivet into neck straps, and swivel 3 inches from loop on one end, a malleable T  $4\frac{1}{2}$  inches long at other end; two  $1\frac{1}{2}$ -inch No. 2 stationary rings, one 20 inches, the other 37 inches from T, and one sliding ring of same size between stationary rings on chains.

#### LEAD.

*Two bridles.*—Same as for wheel harness, except they are to be without rein rings and rein straps.

*One pair double lines.*—Same as for wheel harness, except they are to be 54 feet long.

Two collars, two pairs hames, four hame straps, four traces, two back straps, four back strap tugs and billets, two bellybands, two neck straps, two neck-strap chains, all to be same as for wheel harness.

*Two cruppers.*—Bodies 5 feet 6 inches long,  $1\frac{1}{2}$  inches wide, with reversed buckles stitched in front end with lap 3 inches long, forming loop; back ends split 9 inches to form billets  $\frac{1}{2}$  inch wide, to which rolled cruppers are attached with stitched lap  $2\frac{1}{2}$  inches long on one side and  $\frac{1}{2}$ -inch buckle and chape on other; layers 8 inches long,  $1\frac{1}{2}$  inches wide, stitched on top of bodies, so as to form a  $1\frac{1}{2}$ -inch opening 14 inches from ends of crupper billets, properly wedged for carrying straps to pass through; back of this, a No. 456  $1\frac{1}{2}$ -inch D is stitched in with wedges, and a No. 8 copper rivet and burr in laps back and front of D; stitched by hand.

Two carrying straps, 6 feet long,  $1\frac{1}{2}$  inches wide, reversed buckle and two slide loops in each end.

Two martingales, 4 feet 10 inches long,  $1\frac{1}{2}$  inches wide, split 18 inches, with billets 9 inches long,  $\frac{1}{2}$  inch wide, with buckles in front end, reversed  $1\frac{1}{2}$ -inch buckles stitched in back end; laps  $2\frac{1}{2}$  inches long; stitched by hand.

#### WHIP.

*One stock.*—Best quality white hickory, split with the grain (not turned) and neatly dressed; to be 4 feet 6 inches long, 1 inch diameter at butt, tapering to  $\frac{1}{2}$  inch at lash end, with buckskin loop 1 inch wide and  $4\frac{1}{2}$  inches long, wrapped to stock for not less than  $2\frac{1}{2}$  inches with waxed bridle thread.

*One lash.*—Best quality buckskin, eight plait; to be 9 feet long, exclusive of cracker; swell of belly,  $\frac{1}{2}$  inch, gradually tapering toward loop to a diameter of  $\frac{1}{8}$  inch and toward cracker to a diameter of  $\frac{1}{4}$  inch; swell to commence 11 inches from loop, its greatest diameter 26 inches from end of loop. Cracker to be not less than 10 inches long, braided 3 inches on lash.

#### GENERAL PROVISIONS.

All measurements given are for parts made up, allowance to be made for laps, chapes, etc., all to be made of the best material, the whole to be made in the best workmanlike manner throughout; all leather, not otherwise specified, to be the best quality No. 1 oak or hemlock tanned harness; buckles, not otherwise specified, to be No. 52 XX japanned, malleable, roller, barrel pattern; rings and D's to be japanned malleable iron; all stitching not otherwise specified to be done by hand, or lock-stitch machine, eight to the inch, with four-cord (unless otherwise specified) No. 10 thread, well waxed with black wax; the beginning and ending of stitching in all laps to be secured with not less than two drop stitches (additional stitches are required in line laps); on each edge of laps, next to buckles, rings, and D's, two drop stitches are required; straps, billets, loops, chapes, safes, layers, laps, and edges to be neatly edged, blackened, creased, and finished; straps and billets to have proper number of holes punched; points on billets, layers, and straps to be round or pencil shaped.

Harness to be neatly stamped with name of manufacturer and subject to the usual Government inspection.

Adopted May 29, 1900. Amended February 18, 1907. Q. M. G. O. No. 139020.

**SPECIFICATIONS FOR BUCKBOARD AND SURREY HARNESS (COMBINED)  
FOR TWO-HORSE VEHICLE.**

*Two bridles—Crown pieces.*—One and one-half inches wide, 24 inches long, split  $6\frac{1}{2}$  inches at each end, so as to form two  $\frac{3}{4}$ -inch billets, to receive buckles or cheek pieces and throat latches, with lay on top  $1\frac{1}{2}$  inches wide, 12 inches long, raised center, with  $\frac{1}{4}$ -inch ring at each end to attach straps of ring gag runners,  $\frac{3}{4}$ -inch buckle, chape and loop in center to receive winker stay billets.

*Gag straps.*—Five-eighths inch wide, 12 inches long,  $\frac{3}{4}$ -inch buckle and loop, with two  $\frac{3}{4}$ -inch slide loops. Stitched by hand.

*Two ring gags.*—One inch by  $1\frac{1}{2}$  inches, No. 23, "or equal," solid nickel.

*Fronts.*— $1\frac{1}{2}$ -inch, chain No. 73, "or equal," solid nickel.

*Rosettes.*—No. 1717, "or equal,"  $2\frac{1}{2}$  inches, solid nickel, with wear-leathers underneath.

*Throat latches.*—Three-fourths inch wide, 19 inches long,  $\frac{3}{4}$ -inch buckle and loop at each end, 3-inch laps. Stitched by hand.

*Cheeks.*—Three-fourths inch wide,  $\frac{3}{4}$ -inch buckles, 8 inches between buckles, with box loops, 20 inches from top cheek buckle to end of cheek billets, with solid nickel cheek loops stitched in below buckles to receive nose band and cheek billets, 3-inch extended lap on billets one side and extended lap, stitched by hand.

*Blinds.*—Coach, No. 88, "or equal,"  $\frac{3}{4}$ -inch swell, patent winker leather, grain leather lined, two rows stitching, one row to secure lining of blinds.

*Winker stays.*—One and five-eighths inches wide, 15 inches long, split 8 inches, rounded 7 inches, one inch to be inserted in blinds, billets 7 inches tapered to  $\frac{3}{4}$ -inch to buckle in crown pieces.

*Face drops.*—Billets  $\frac{3}{4}$  inch wide, 10 inches long, bodies  $2\frac{1}{2}$  inches by 5 inches, swell, patent leather, raised oval center, 3 rows stitching.

*Bridle reins.*—Billet ends rounded, each 14 inches (in clear) sewed into  $\frac{3}{4}$ -inch ring at one end, with  $1\frac{1}{2}$ -inch lap, 9-inch billet;  $\frac{3}{4}$ -inch buckle, 4-inch extended lap at other end, loop in back and front of buckle. Center reins three-fourths inch wide, 66 inches long, sewed into ring or round at one end,  $2\frac{1}{2}$  inches lap, and buckled into ring or round at other end, with  $\frac{3}{4}$ -inch reversed buckle, and two  $\frac{3}{4}$ -inch slide loops, one  $\frac{3}{4}$ -inch slide loop on back of center. Laps stitched by hand.

*Nose bands.*—One and one-eighth inches wide, 31 inches long (made up), "scalloped" double and stitched front, raised center; 2 rows stitching, with slotted holes to pass over cheek loops, to be  $14\frac{1}{2}$  inches from center of slotted holes, chin parts cut to  $\frac{3}{4}$  inch at points, with  $\frac{3}{4}$ -inch buckle and loop. Lap stitched by hand.

*Bits.*—Dexter heavy No. 519, "or equal," standard, nickel, half cheek, snaffle.

*Two hitch reins.*—Six feet eight inches long,  $\frac{3}{4}$  inch wide, billet on one end 10 inches long (in clear), with  $\frac{3}{4}$ -inch buckle and loop sewed in with  $2\frac{1}{2}$ -inch lap; japanned  $\frac{3}{4}$ -inch snap sewed in with  $2\frac{1}{2}$ -inch lap at other end; loose  $\frac{3}{4}$ -inch japanned ring between snap and billet. Stitched by hand.

*Two collars.*—Heavy coach, patent leather rim and back, fair kip grain leather face, to be lapped at throat not less than  $2\frac{1}{2}$  inches, solid rim to measure not less than  $4\frac{1}{2}$  inches outside, belly to be well faced with best quality western hog hair; ticking between hair and straw, bulge at point of shoulder to measure not less than  $11\frac{1}{2}$  inches, exclusive of rim, the middle seam to be stitched by hand three to the inch with double ends, 6 cord No. 12 best quality white shoe thread, well waxed with black wax, the outside edge to be with folded welt, stitched by hand with heavy waxed thread five to the inch, the welt to be sewed in between back and face of collar; the seam to be on inside, the welt to be in one solid piece of same leather as face of collar; to be finished with two buckle chapes, each 3 inches long with  $\frac{3}{4}$ -inch English wire buckle and  $\frac{3}{4}$ -inch loops; two billets  $\frac{3}{4}$ -inch wide, 7 inches long (in clear); billets, loops, and chapes to be the best harness leather, edges creased and blacked, chapes and billets attached to collar with 3-inch laps, not less than 24 stitches to the lap, ends of collars neatly capped before finishing. Pads of solid harness leather,  $7\frac{1}{2}$  inches by  $5\frac{1}{2}$  inches, to be well skived and attached to end of collar by same stitches as billets; leaving the stitches smooth with no knots under pads, at other end by  $\frac{3}{4}$ -inch creased loop encircling collar, the loop to be well stitched to pad; the size of collar and name of maker stamped on billets.

*Two pairs hames.*—Coach, 8 pounds, full close plate, solid white nickel, heavy London draft eyes,  $1\frac{1}{2}$ -inch terrets, heavy English wire pattern, without inside loops, with two whole beveled edge hame clips and  $\frac{3}{4}$ -inch oval-head hame rivets.

*Four hame straps.*—Upper three-fourths inch wide, 26 inches long, with 3-inch laps. Lower three-fourths inch wide, 18 inches long, 3-inch laps, each to have  $\frac{3}{4}$ -inch roller buckle,  $\frac{3}{4}$ -inch loops. Stitched by hand.

*Two spread straps.*—Five-eighths inch wide, 20 inches long,  $\frac{1}{2}$ -inch buckle and loops,  $1\frac{1}{2}$ -inch laps, with  $1\frac{1}{2}$ -inch medium weight white celluloid ring at one end, two  $\frac{1}{2}$ -inch slide loops. Stitched by hand.

*Two pairs hame tugs.*—Safes  $2\frac{1}{2}$  inches at buckles,  $2\frac{1}{2}$  inches at clips,  $13\frac{1}{2}$  inches long, to form buckle safes, layers  $1\frac{1}{2}$  inches wide, cut 21 inches long, and shaped to pass through box loop  $4\frac{1}{2}$  inches long, to form buckle chapes  $1\frac{1}{2}$  inches wide, with patent-leather front, two rows false stitching; length of tugs from buckles to clips 10 inches, outside clips.

*Four traces.*—One and three-eighths inches wide, 78 inches long, raised center, not less than five-sixteenths inch thick at edges, with  $1\frac{1}{2}$ -inch dart hole at one end stitched

*Two breeching.*—Bodies  $1\frac{1}{2}$  inches wide, to be 42 inches between outside dees, inside layer cut  $1\frac{1}{2}$  inches by 46 inches, outside layer cut  $1\frac{1}{2}$  inches by 58 inches, with 6 inches scalloped and raised points at each end, points to lap on side straps, bodies to be doubled and stitched, raised center 2 rows stitching, four  $\frac{1}{2}$ -inch box loop tugs, stitched by hand, 4 inches long,  $\frac{1}{2}$ -inch buckle, secured to top of breeching bodies with Philips' harness dees, one at each end, and one 8 inches from each end, two trace bearers, outside bearer 3 inches by 5 inches, swell, patent leather, 3 rows silk stitching, inside bearer 1 inch plain, both secured to bottom of breeching bodies with Philips' harness dees, same to be properly placed; side straps  $1\frac{1}{2}$  inches wide, 52 inches long (cut length) to extend 4 inches in body of breeching, with  $2\frac{1}{2}$  inches of stitching in center of each end.

*Two hip straps.*—"Forked,"  $2\frac{1}{2}$  inches wide, 56 inches long, split 19 inches at each end, so as to form two  $\frac{1}{2}$ -inch billets to buckle in breeching tugs, center reduced to  $1\frac{1}{2}$  inches to pass through opening in turnbacks, with 3 scalloped on each side, and one double scallop opening  $3\frac{1}{2}$  inches long, cut in center of scallop on each side of turnbacks (hip straps to be cut shaped).

*Two pads.*—Coach, No. 55, Park, "or equal,"  $2\frac{1}{2}$  inches, swell, patent leather, oval top, 3 screws, 3 rows stitching, leather facing with patent leather cover, hand-buffed leather bottom, plated crupper loops,  $1\frac{1}{2}$ -inch terrets, plain heavy English wire pattern; pedestal coupe hook. Skirts  $2\frac{1}{2}$  inches wide, swell shaped, 18 inches long, cut length (2-ply), double and stitched, tapered to point at lower end, bearing straps  $1\frac{1}{2}$  inches wide, 19 inches long (cut length) swell shape, with 8-inch opening for traces to pass through, secured to bottom of skirts with 3-inch wedged lap, bearing straps to be doubled and stitched, raised center, and fastened to skirts at top with 7-inch lap; billets  $1\frac{1}{2}$  inches wide, 12 inches long (in clear), fastened between skirts and bearing straps with 3-inch lap at lower end, stitched by hand. Under housing  $6\frac{1}{2}$  inches, swell shape, felt lined, chain No. 73, "or equal," solid nickel.

*Two turnbacks.*—Bodies  $1\frac{1}{2}$  inches wide, 60 inches long, split 8 inches at one end, so as to form two  $\frac{1}{2}$ -inch billets for crupper buckles, bodies to be lined 13 inches, with 3 scallops on each side, to have openings  $1\frac{1}{2}$  inches wide, 14 inches from end of billets for hip straps to pass through; front to be reduced to 1 inch; and to form reversed strap with 1-inch buckle and two slide loops.

*Two cruppers.*—Round, soft, 5 inches, outside measurement, made with two  $\frac{1}{2}$ -inch buckles and loops, to be stuffed with flaxseed, outside seam.

*Two saddle bellybands.*—One and three-fourths inches wide, 21 inches long, double and stitched, buckles set back to form safes, 17 inches between buckles, top of bodies punched to receive lower part of buckle chape, chapes  $1\frac{1}{2}$  inches wide, 3 inches long,  $1\frac{1}{2}$ -inch roller buckle,  $1\frac{1}{2}$ -inch loops. Stitched by hand.

*Two choke-straps.*—Bodies  $1\frac{1}{2}$  inches wide, 36 inches long, with reversed  $1\frac{1}{2}$ -inch buckle at lower end, forming loop, billet on upper end 1 inch wide, 20 inches long, 1-inch buckle, 4-inch lap,  $1\frac{1}{2}$ -inch box loop; patent leather fall inserted between body and billet, body of choke-strap to pass through lining of frog. Stitched by hand.

*Two pole straps.*—One and three-eighths inches wide, 48 inches long, with  $1\frac{1}{2}$ -inch trace buckle, doubled and stitched, two rows stitching, 3-inch box loop on upper side, two  $1\frac{1}{2}$ -inch cut loops on under side, one at each end of box loop.

*One pair double lines.*—All black, 30 feet long, outside check  $\frac{1}{2}$ -inch wide, 84 inches long; billets  $\frac{1}{2}$ -inch wide, 12 inches long, square point,  $4\frac{1}{2}$ -inch laps,  $2\frac{1}{2}$  inches in back, 2 inches in front of buckle,  $\frac{1}{2}$ -inch cut loop in front,  $1\frac{1}{2}$ -inch loop in back of buckle; inside check  $\frac{1}{2}$ -inch wide 78 inches long; billets, buckles, laps, and loops the same as on outside checks,  $\frac{1}{2}$ -inch buckle,  $1\frac{1}{2}$ -inch box loop at other end, square points, 3-inch laps; hand parts  $1\frac{1}{2}$  inch wide, 96 inches long, attached to outside checks with 6-inch scalloped raised points;  $\frac{1}{2}$ -inch buckle and loops on one side,  $1\frac{1}{2}$ -inch lap,  $\frac{1}{2}$ -inch billet on other side, all stitched by hand, with one  $2\frac{1}{2}$ -inch white celluloid center ring, medium weight.

*Size of collars and hames.*—To have ten 20-inch, ten 21-inch, five 22-inch, in each lot of 25 double sets. Hames to match the collars in each case.

*General provisions.*—All measurements given are for parts made up, except those otherwise specified, allowance to be made for laps, chapes, etc., all to be made of the



best material, the whole to be made in the best workmanlike manner throughout; all leather not otherwise specified to be of the best quality No. 1 oak or hemlock tanned harness, free from defects; all buckles to be English wire bent heel, heavy pattern, all trimmings and buckles to be solid white nickel; all stitching not otherwise specified to be done by hand, or lock stitch machine, 8 stitches to the inch, with four cord No. 12 Barbour's shoe thread, well waxed with black wax, the beginning and ending of stitching in all laps to be secured with not less than two drop stitches, all straps, billets, loops, chapes, safes, layers, laps and edges to be neatly edged; blacked, single creased by hand and finished; straps and billets to have proper number of holes punched; points on billets, layers and straps to be round or pencil shaped; all box loops to be made of fair skirting leather, well blacked; all rounds to be not less than  $\frac{1}{2}$  inch in diameter. The breeching, traces, belly bands and skirts to be made with round edges and to be not less than  $\frac{1}{8}$  inch thick at edges. The date of contract and name of manufacturer to be neatly stamped on the harness. The harness shall be subject to inspection, during process of manufacture, by an officer or agent of the Quartermaster's Department. Final inspection will be made upon delivery.

JEFFERSONVILLE DEPOT,  
Quartermaster's Department, July 7, 1904.  
Amended February 18, 1907.

#### SPECIFICATIONS FOR STATION WAGON HARNESS WITH BREECHING.

[Approved by the Quartermaster-General, U. S. Army, September 6, 1905. No. 136155.]

*Bridles (2)—Crown piece.*—Twenty-four inches long,  $1\frac{1}{2}$  inches wide, split  $6\frac{1}{2}$  inches at each end to form  $\frac{1}{2}$ -inch billets to receive buckles of cheek pieces and throat strap, with raised layer on top 12 inches long, with  $\frac{1}{2}$  inch brass dee at each end to receive gag straps,  $\frac{1}{2}$ -inch buckle chape and loop in center for billet of winker stay.

*Gag strap.*—Twelve inches long,  $\frac{1}{2}$  inch wide, lap  $1\frac{1}{2}$  inch,  $\frac{1}{2}$ -inch buckle and loop, two  $\frac{1}{2}$ -inch slide loops, two ring gags, No. 23 or equal, solid brass, 1 by  $1\frac{1}{2}$  inches. Hand stitched.

*Fronts.*—One inch solid brass chain, No. 80 or equal.

*Rosettes.*—No. 80 Star Armour, or equal,  $2\frac{1}{2}$ -inch solid brass.

*Throat strap.*—Nineteen inches long,  $\frac{1}{2}$ -inch wide, buckle and loop,  $2\frac{1}{2}$ -inch lap at each end.

*Cheek pieces.*—Five-eighths inch wide, 8 inches between buckles, box loops, 20 inches from top buckle to end of billet,  $2\frac{1}{2}$  inches extended laps below buckle, with solid brass oval cheek loop to receive nose bands and billets.

*Blinds.*—No. 5C,  $\frac{1}{2}$  inch or equal.

*Winker stay.*—Fifteen inches long,  $1\frac{1}{2}$  inches wide, split 8 inches, rounded 7 inches, inserted 1 inch into blind, billets 7 inches, tapering to  $\frac{1}{2}$  inch.

*Face drops.*—Patent leather, style No. 7, lined or equal.

*Reins.*—Rounded 14 inches, with solid brass  $\frac{1}{2}$ -inch ring on upper end,  $1\frac{1}{2}$ -inch lap, lower ends to have 13 inches cut,  $\frac{1}{2}$ -inch billets, with extended lap  $4\frac{1}{2}$  inches long, loop each end of buckle, center rein 60 inches long,  $\frac{1}{2}$  inch wide, stitched into ring of one round, with  $2\frac{1}{2}$ -inch lap, other end reversed, with  $\frac{1}{2}$ -inch buckle and two slide loops in other round. All laps hand stitched.

*Nose bands.*—Made up 31 inches long,  $1\frac{1}{2}$  inches wide, scalloped, doubled and stitched front, raised center, four rows stitching, with slotted holes to pass over check loop, 14 inches from center to center of holes, chin part to taper  $\frac{1}{2}$  inch, with  $\frac{1}{2}$ -inch buckle and loop,  $2\frac{1}{2}$ -inch lap one end, other end  $\frac{1}{2}$ -inch billet.

*Bits.*—Coach elbow, No. 40, or equal, No. 1 quality, reversible steel cheek, round sliding beam, solid nickel.

*Curb strap.*—Twenty-four inches long,  $\frac{1}{2}$  inch wide,  $\frac{1}{2}$ -inch buckle and loop, lap  $1\frac{1}{2}$  inches, two slide loops. Hand stitched.

*Two hitch reins.*—Seventy-eight inches long;  $\frac{1}{2}$  inch wide, 10-inch billet,  $\frac{1}{2}$ -inch buckle and loop, 3-inch lap one end, other end  $\frac{1}{2}$  inch, Japanned snap, stitched on with  $2\frac{1}{2}$ -inch lap;  $\frac{1}{2}$ -inch brass slide ring between snap and billet. Hand stitched.

*Collars.*—Light coach, patent leather rim and back, fair kip grain leather face, to be lapped at throat not less than  $2\frac{1}{2}$  inches, well shaped to receive hames, solid rim to measure not less than 3 inches nor more than  $3\frac{1}{2}$  inches outside, belly to be well faced with best quality hair, ticking between straw and hair; bulge at point of shoulder to measure not less than 9 inches nor more than 10 inches exclusive of rim, middle seam

to be four stitches to the inch with four-cord No. 10 thread, outside seam to have folded welt, same stitches as other seam, with double ends, welt to be one of solid piece, same quality as face of collar, to be finished as follows: Well capped with soft leather, two billets, buckles and chape, with harness leather pad 8 inches long, 5½ inches wide, secured to collar on one side with same stitches as billets, other side to have ¾-inch loop, chapes and billets to have 3-inch lap with not less than thirty stitches.

*Hames.*—Four pounds, full brass, 2 inches larger size than collars, three-hole face clip, finger draft eye strap and eye, kidney links and rings, 1½-inch oval solid brass.

*Spread straps.*—Twenty inches long, ¾ inch wide, ¾-inch buckle and loop, lap 1½ inches, two slide loops, with 1½-inch white celluloid ring. Hand stitched.

*Hame strap.*—Upper 26 inches long, ¾ inch wide, lower 22 inches long, ¾ inch wide, each with ¾-inch brass roller buckle and two loops 3 inches lap. Hand stitched.

*Hame tugs.*—Buckle 1½ inches, side loop, English wire bent heel, solid brass; safe 20½ inches long; 2½ inches at clip end, 3½ inches at buckle to form buckle safe, layer cut 34 inches long, 1½ inches wide, shaped to pass through box loop 7½ inches long and form buckle chape 1½ inches wide; patent leather fronts from loop to clip, with two rows false stitching.

*Pad tugs.*—Four inches long, ¾ inch wide, 3½-inch box loop, ¾-inch buckle, one end; other end secured to loop in trace buckle. Hand stitched.

*Belly band billets.*—Twelve inches long, ¾ inch wide, attached to bottom loop of trace buckle, with 3-inch lap, to have extra filler properly punched to receive belly-band buckle. Hand stitched.

*Trace.*—Seventy-two inches long, 1½ inches wide, doubled and stitched, four rows stitching, raised center, one end punched to buckle into trace buckle, other end to have dart hole.

*Breeching.*—Bodies 1½ inches wide, 42 inches between outside dees, inside layer cut 46 inches long, 1½ inches wide; outside layer 58 inches long to form 6-inch scallop points at each end, points to lap on side straps, four rows stitching on bodies, raised center, four ¾-inch box loop tugs, handstitched, 4 inches long, ¾-inch buckle one end other end secured to breeching with ¾-inch Philip's harness dee, one at each end and one 8 inches from each end; one trace bearer No. 7 or equal attached to outside of breeching on underside or bottom opposite end of tug; plain leather carriers on inside of breeching secured by 1 inch Philip's dee.

*Side straps.*—Fifty-two inches long, 1½ inches wide, cut length to extend 4 inches into body of breeching, properly punched to buckle in trace buckle.

*Hip straps.*—Cut 56 inches long, 2 inches wide; each end split 19 inches to form ¾-inch billets to buckle into breeching tugs, cut shaped to fit hips, reduced center to 1½ inches to pass through openings in turnback, three scollops on each side, with double scallop opening on each side.

*Turnback.*—Double reversed, bodies 23 inches long, 1½ inches wide, split 9 inches to form two waved billets for crupper buckles, reversed strap 60 inches long, ¾ inch wide, lapped 14 inches on body with return filler opening 14 inches from end of billet for hip strap to pass through, ¾-inch buckle with ¾-inch cut loop in front of box loop 3½ inches long on each side of hip-strap opening.

*Cruppers.*—Round, soft, 4½ inches, stuffed with flaxseed, ¾-inch buckle, chape and loop on each end outside seam.

*Coach pads.*—"The Belle," or equal, 1½ inch swell, three screws, trimmed with solid brass, 1½-inch terrets, flat top pedestal coupe hook No. 5 swivel end dees.

*Skirts.*—Two and one-half inches at swell, 1½-inch bottom, 15½ inches from bottom pad screw to end of skirt lined slight raise, four rows stitching, billets 12 inches long, ¾ inch wide, secured between skirts and lining with three rows stitching.

*Housing.*—Six-inch felt lined No. 80 solid brass chain, or equal.

*Market strap.*—Ten inches long, ¾ inch wide, double and stitched into end dee of pad.

*Bellybands (saddle).*—Twenty-one inches long, 1½ inches wide, two-ply raised center, buckles set back to form safe, 17 inches between buckles, top of body punched to receive buckle chape; chape, hand stitched, 3 inches long, ¾ inch wide, ¾-inch roller buckle, four rows stitching.

*Billet bellyband.*—Twenty-five inches long, ¾ inch wide, ¾-inch roller buckles on each end, 3-inch laps. Hand stitched.

*Choke strap bodies.*—Three feet long, 1½ inches wide, 10 inches long, ¾-inch wide billet on lower end set to receive buckle at end of body when turned, 3-inch billet 20 inches long, ¾ inch wide, stitched on upper end with extended lap and ¾-inch buckle, with No. 7 (or equal) frog body passing through lining of frog. Hand stitched.

*Yoke strap.*—Three feet 6 inches long, double and stitched four rows, 1½ inches wide, 2-inch box loop on top, 1-inch cut loop on each side of box loop on bottom side, 1½-inch solid brass roller buckle.

*Lines (double).*—All black, each side 15 feet long, inside checks 78 inches long,  $\frac{1}{2}$  inch wide, front end to have  $\frac{1}{2}$ -inch buckle with 12-inch billet,  $4\frac{1}{2}$ -inch extended laps;  $\frac{1}{2}$ -inch cut loop in front of buckle, 2-inch box loop back. Other end to have  $\frac{1}{2}$ -inch buckle, 2-inch box loop,  $3\frac{1}{2}$ -inch lap. Outside check 84 inches long,  $\frac{1}{2}$  inch wide, front end to have buckle and billet same as inside check, other end to have 5-inch scoloped point stitched on hand parts. All stitching by hand.

*Hand parts.*—Ninety-six inches long,  $1\frac{1}{2}$  inches wide attached to fronts, other end to have  $\frac{1}{2}$ -inch buckle and billet, one celluloid ring,  $2\frac{1}{4}$ -inch, for cross checks.

*General provisions.*—All buckles not otherwise specified to be English wire, solid brass bent heel.

All straps or billets to be properly punched.

All edges to be properly edged and with flesh side blacked (no creasing) and polished.

All stitching not otherwise specified to be done by hand or lock-stitch machine, 10 stitches to the inch, with 4-cord No. 3 Barbour's thread, well waxed with black wax. Beginning and ending of all laps to have not less than one back stitch.

All leather to be No. 1 oak or hemlock tanned (as per specifications at depot); work to be done in the best workmanlike manner. Inspection to be made during manufacture, and final inspection to be made on receipt of harness at depot.

Size of collars to every 25 double sets: ten, 19 inches; twenty, 20 inches, and twenty, 21 inches.

Hames to measure 2 inches longer than size of collars.

GENERAL DEPOT OF THE QUARTERMASTER DEPARTMENT,

Jeffersonville, Ind., September 19, 1905.

L. R. No. 11, 1905.

Amended February 18, 1907.

#### SPECIFICATIONS FOR LIGHT EXPRESS HARNESS.

*Bridle—Crown piece.*—Two feet long,  $1\frac{1}{2}$  inches wide, split  $6\frac{1}{2}$  inches on each end to receive  $\frac{1}{2}$ -inch buckles, chape and  $\frac{1}{2}$ -inch buckle on top to receive winker stay, layer on top 5 inches long,  $\frac{1}{2}$ -inch wide.

*Throat latch.*—Nineteen inches long,  $\frac{1}{2}$ -inch wide, with  $\frac{1}{2}$ -inch brass wire buckles, swivel on each end, with 2-inch laps. Stitched by hand.

*Front.*—Seven-eighth inch, all leather, with brass loop ornaments, like that on standard sample which is known to the trade as "No. 47."

*Rosettes.*—One and five-eighth-inch "U. S." filled brass, with 1-inch wire loops, and wear leathers underneath.

*Checks.*—Eight inches between buckles with box loop; 20 inches from top buckle to end of billet;  $\frac{1}{2}$ -inch wide, with  $\frac{1}{2}$ -inch buckles, japanned cheek loop stitched in below lower buckle to receive noseband and cheek billet.

*Blinds.*—Round-cornered,  $\frac{1}{2}$ -inch, grain patent leather, grain leather lined; 3 rows straight machine stitching, with a  $1\frac{1}{4}$ -inch filled brass "U. S." ornament on outside of each.

*Winker stays.*—Flat  $14\frac{1}{2}$  inches long,  $1\frac{1}{2}$  inches wide, tapered at one end to buckle into  $\frac{1}{2}$ -inch buckle on crown-piece; split 8 inches to form two  $\frac{1}{2}$ -inch ends, that extend 1 inch into blinds.

*Noseband.*—Fourteen and one-half inches long,  $\frac{1}{2}$ -inch wide, with a hole inserted at each end  $\frac{1}{2}$  by 1 inch long to loop over cheek loop.

*Bit.*—Jointed malleable mouth; loose  $2\frac{1}{2}$ -inch wrought rings, nickel plated.

*Hitch rein.*—Six feet 8 inches long,  $\frac{1}{2}$ -inch wide, billed on one end 11 inches long with  $\frac{1}{2}$ -inch buckle, and loop sewed in with  $2\frac{1}{2}$ -inch lap; japanned  $\frac{1}{2}$ -inch snap sewed in with  $2\frac{1}{2}$ -inch lap at other end; loose  $\frac{1}{2}$ -inch japanned ring between snap and billet. Stitched by hand.

*Bridle rein.*—Two ends rounded, each  $13\frac{1}{2}$  inches in clear, sewed with 2-inch extended laps into  $\frac{1}{2}$ -inch japanned No. 8 rings at one end; 9-inch billet with  $\frac{1}{2}$ -inch buckle and extended 3-inch lap at other end; loop back and front of buckle; center of rein 5 feet 6 inches long,  $\frac{1}{2}$  inch wide, sewed into ring of round on one end, with  $2\frac{1}{2}$ -inch lap and buckle into ring of round at other end with  $\frac{1}{2}$ -inch reversed buckle and two slide loops, with slide loop on back of center. Laps stitched by hand.

*Hames.*—Brass-trimmed, like those on standard sample, steel-clad express, known to the trade as "Little Dandy," No. 290, for 18 to 22 inch collars; solid wear leathers 3 x  $3\frac{1}{2}$  inches, secured with five tacks under hame staples.

*Hame straps.*—One 22 and one 26 inches long,  $\frac{1}{2}$  inch wide, with 2 loops and japanned malleable barrel roller buckles. Stitched by hand.

*Traces.*—Six feet 8 inches long,  $1\frac{1}{2}$  inches wide; one row stitching all around, 3-ply solid leather, fastened to hames with two-holed clips and  $\frac{1}{2}$ -inch round head, brass-capped rivets; swell in front end of trace 9 inches long, with two scallops, one 3 inches and the other  $2\frac{1}{2}$  inches wide, tapered down; three holes, nicely stitched all around,  $1\frac{1}{2}$  inches long,  $2\frac{1}{2}$  inches apart on back end of trace to receive singletree.

*Choke strap.*—Three feet 6 inches long, 1 inch wide, 1-inch japanned malleable barrel roller buckle on one end, and billet 1 foot 8 inches long, with 1-inch buckle on the other. Stitched by hand.

*Saddle.*—Tree, like that on standard sample, known to the trade as  $4\frac{1}{2}$  inch "Nashua Express," japanned seat, patent leather jockey; 2 brass  $\frac{1}{2}$ -inch saddle nails on top of each side; skirts 2 thicknesses harness leather, 24 inches long, 1 swell  $4\frac{1}{2}$  inches wide, 1 row stitching all around, and 1 row imitation stitching; short, enameled, leather-lined pad extending down on each side,  $8\frac{1}{2}$  inches long,  $3\frac{1}{2}$  inches wide, secured by the pad screw and terret, and 3 rows stitching, each  $1\frac{1}{2}$  inches long at lower end, and 1 row across upper end of each pad. Pad filled with thick, graduated felt, 6 tufts at lower end of each pad; harness leather housing  $4\frac{1}{2}$  by 16 inches between pad and skirt, with one imitation row of stitching all around edge; bearing straps  $1\frac{1}{2}$  inches wide, 17 inches long, 3-ply, stitched all around into  $1\frac{1}{2}$ -inch "Alexander" bearer loops, which are secured to tree by the pad screws and terrets;  $1\frac{1}{2}$ -inch brass wire terrets and "Nashua" brass wire express hook. Bellyband billets  $1\frac{1}{2}$ -inches wide,  $14\frac{1}{2}$  inches long, sewed between skirt and lining with  $3\frac{1}{2}$ -inch lap. Stitched by hand.

*Bellybands.*—Two bellybands folded, one 18 inches and one 20 inches long, 2 inches wide at center; one straight row stitching through center; one  $1\frac{1}{2}$ -inch japanned malleable barrel roller buckle, stitched on each end with a round-end 3-inch chape.

*Shaft tugs.*—One and one-fourth inches wide, 11 inches long, 3-ply, with  $1\frac{1}{2}$ -inch japanned Dee;  $1\frac{1}{2}$ -inch brass wire center-bar trace buckle; billets  $1\frac{1}{2}$  inches wide, 12 inches long, sewed into Dee with  $2\frac{1}{2}$ -inch lap; 6 drop stitches in center of end of lap; billet stitched by hand.

*Breeching.*—Solid body,  $1\frac{1}{2}$  inches wide, to be 41 inches between rings, outside layer cut 51 inches long, inside layer cut 41 inches long, each to be  $1\frac{1}{2}$  inches wide, outside layer made to embrace Dees at each end with 4 inches skived laps, inside layer stitched on overlaps, the breeching to be (2-ply) doubled and stitched and finished with round edge, to have one  $1\frac{1}{2}$ -inch No. 1 wire, japanned malleable iron ring in each end, one row stitching all around; "channeled" on inside, 4 tugs, stitched by hand, each 4 inches long,  $\frac{1}{2}$ -inch wide, with a  $\frac{1}{2}$ -inch solid brass top guard buckle and box loop 2 inches long, stitched in; two of the tugs fastened in breeching rings; the other two tugs fastened into breeching bodies, with  $\frac{1}{2}$ -inch japanned "Phillips" Dees,  $6\frac{1}{2}$  inches from ring on end of breeching body, extra row stitching to secure Dees.

*Turnback.*—Four feet long,  $1\frac{1}{2}$  inches wide, split at one end  $8\frac{1}{2}$  inches to form  $\frac{1}{2}$ -inch billets to receive two crupper buckles; tapered at the other end to 1 inch, so as to buckle into saddle loop, with one reversed 1-inch buckle and two slide loops; the swell 9 inches long, doubled, to be  $1\frac{1}{2}$  inches wide, with  $1\frac{1}{2}$ -inch opening for hip strap to pass through, 14 inches from end of crupper billets.

*Crupper.*—Round, outside seam, flaxseed stuffing, one  $\frac{1}{2}$ -inch buckle on each end.

*Backing strap.*—Four feet 6 inches long, 1 inch wide, buckle and loops stitched in with 3-inch laps; 6-inch lining back of buckle lap;  $1\frac{1}{2}$ -inch lap on end of lining. Stitched by hand.

*Hip strap.*—Four feet 6 inches long,  $1\frac{1}{2}$  inches wide, split at each end 18 inches, so as to form  $\frac{1}{2}$ -inch billets to buckle into breeching tugs; two scallops on each side between turnback and split, cut down to  $1\frac{1}{2}$  inches at center, where it passes through turnback swell.

*Lines.*—All black, fronts 1 inch wide,  $6\frac{1}{2}$  feet long; billets 9 inches long, 1-inch buckle and loop sewed in with 3-inch lap; hand parts  $1\frac{1}{2}$  inches wide, 8 feet long, connected with fronts by straight lap 3 inches long; 6 drop stitches in center of end of each lap;  $\frac{1}{2}$ -inch buckle and loop in back end of lines, with  $1\frac{1}{2}$ -inch lap. All stitched by hand.

*Collar.*—Made of No. 1 oak-tanned kip leather, well shaped to receive hames, blacked all over, throat lapped not less than  $1\frac{1}{2}$  inches, solid rim to measure not less than  $4\frac{1}{2}$  inches outside; belly to be well faced with best quality western hog bristles; ticking between hair and straw, bulge at point of shoulder to measure not less than  $11\frac{1}{2}$  inches, exclusive of rim; middle seamed with leather thong; outside edge with  $\frac{1}{2}$ -inch welt, well stitched by hand with heavy waxed thread; wear leathers or flaps on point of bulge to measure 5 inches next to rim and 6 inches on the outer edge; to be finished with two buckle chapes, each 3 inches long, with  $\frac{1}{2}$ -inch japanned malleable barrel roller buckles, and  $\frac{1}{2}$ -inch loops; two billets, each 9 inches long,  $\frac{1}{2}$ -inch wide; billets, loops, and chapes to be made of best oak harness leather; edges creased and blackened; chapes and billets attached to collar with 3-inch laps, not less than

20 stitches in each lap; ends of collars to be capped with collar leather before finishing; pads of solid harness leather,  $7\frac{1}{2}$  inches long, 5 inches wide, attached at one end to collar by the same stitches that secure the billets, at the other end by  $\frac{1}{2}$ -inch creased loop encircling the collar, well stitched to pad; size of collars and name of makers to be stamped on billets of collars; sizes to run from 18 to 22 inches.

*General provisions.*—All leather not otherwise specified to be of best quality No. 1 oak or hemlock tanned harness; all stitching not otherwise specified to be stitched by hand, or lock stitch machine, 8 to the inch, with best quality No. 10 thread, well waxed; all buckles not otherwise specified to be imitation rubber harness buckles, wire bent heel pattern, with orioide tongues; rings and dees to be japanned malleable iron; all edges, straps, loops, billets, and chapes to be nicely edged and creased, the whole to be made in the best workmanlike manner and of the best material; the harness to be neatly stamped with name of maker and date of contract on front end of near trace, near side of breeching and on crown piece of bridle. The harness to be subject to inspection during progress of construction by an officer or agent of the Quartermaster's Department; final inspection will be made upon delivery.

JEFFERSONVILLE DEPOT,

Quartermaster's Department, July 7, 1904.

Amended February 18, 1907.

#### SPECIFICATIONS FOR THE STANDARD APAREJO WITH DALY'S IMPROVED RIBBING AND FOR THE PULLMAN PACK SADDLE AND PANNIERS.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

##### SPECIFICATIONS FOR APAREJOS.

There are in general use the 62 and 60 inch aparejos, i. e., measuring from end to end 62 and 60 inches, respectively.

##### CONSTRUCTION.

*Index to body of aparejo.*—(1) The back piece, (2) the inside (or belly) piece, (3) the boots, (4) the boot facings, (5) the front facing, (6) the center facing, (7) the welts, (8) the carrier pieces.

*NOTE.*—The first two items of the above are sometimes referred to as the body pieces.

##### DETAILED SPECIFICATIONS.

Take a 60-inch aparejo, 60 inches long, 24 inches wide at center and 24 inches at ends.

1. The body. To be made of solid fair leather, tallow finish,  $\frac{1}{4}$  of an inch thick, sides to be of good spread.

Cut the back piece 43 inches long and 24 inches wide.

Cut the inside piece 45 inches long and 24 inches wide.

Cut boots 24 inches long and 18 inches wide. Face the boots at each end with a semicircular facing 4 inches shorter than the width of the boot.

Facings to meet at center of boot.

These facings to be sewed on with 2 seams  $\frac{1}{2}$  of an inch apart,  $\frac{1}{4}$  of an inch from their semicircular edges, and 1 seam 3 inches from the outward edges.

The back-piece has a front facing, from end to end of  $6\frac{1}{2}$  inches wide. This facing to be of good, solid leather, as it is to receive the crupper lacings.

Facing to be sewed down with 2 seams,  $2\frac{1}{2}$  inches from the inner edge for the first, and 2 inches from the outward edge for the second.

This facing to have 5,  $\frac{1}{4}$  of an inch holes punched 1 inch from the inward edge and spaced equally distant between the boot and center facing.

Center facing to be 24 inches long and 8 inches wide; to be placed at center of back piece extending from front to rear, sewed down, with 2 seams on each side at edge  $\frac{1}{4}$  of an inch apart.

The front facing on back or body piece forms the front of the aparejo.

The boots lap onto body pieces  $\frac{1}{2}$  of an inch on outside; to be sewed down with 2 seams  $\frac{1}{2}$  of an inch apart, and  $\frac{1}{4}$  of an inch from edges. In lapping insides to back pieces the fleshy side of the inside piece must face outward.

In closing up the body, care should be taken to have the boots or ends doubled exactly alike, so that the top of boot on inside will just meet the end of back body piece. The center seam to be sewed down through inside and back pieces, and must positively be in the center of the aparejo.

The inside or belly piece will have a "hand hole"  $5\frac{1}{2}$  inches long and 5 inches wide cut out in center of inside piece 15 inches from center seam to center of hole.

Back piece to have a "hand hole" of similar dimensions cut in center of body piece 10 inches from center seam to center of hole, this "hand hole" to be cut around to within 1 inch from either side of center of top. This forms a lid and is provided with 1 hole at center of lower end  $\frac{1}{2}$  of an inch from edge; large enough to receive thong for lacing. A similar hole is provided on the body in line with this  $\frac{1}{2}$  of an inch from edge; both holes facing up and down.

On back of body piece at rear, a slit 12 inches long is provided; to be 2 inches from the outward or rear edge, commencing with 1 inch above the boot, running upward toward the center seam, and provided with 5 holes on either side of slit spaced equally distant to receive lacings.

In front there must be a welt of good, solid leather,  $\frac{3}{4}$  of an inch wide, laid in between the inside and back pieces, extending from each end to within  $\frac{1}{4}$  of an inch of center seam. This leaves a space of  $1\frac{1}{2}$  inches at center to receive "metal square."

For "metal square" provide a  $1\frac{1}{2}$  inch common japanned buckle, remove the tongue piece, and provide a strip of leather 2 inches long, so that when folded it will equal the thickness of welt. Place the square in the fold of leather and introduce in lieu of welt.

The fold of leather must be introduced sufficiently so as to carry the metal square snugly against the edge of the aparejo, the whole to be sewed down with 2 seams,  $\frac{1}{2}$  of an inch apart and  $\frac{1}{4}$  of an inch from edge.

In sewing along edges at front, a space of  $\frac{1}{4}$  of an inch must be omitted, counting  $3\frac{1}{2}$  inches from center seam each way. This is to permit "key bar" to pass through when locking ribs or springs of inside frame.

Now punch 2 holes,  $\frac{1}{2}$  of an inch apart. The first at center of space, corresponding to hole provided in brass "key bar," the second on the lower side, and provide thong 10 inches long to secure "key bar" to aparejo.

The rear has a similar welt  $\frac{1}{2}$  of an inch wide, and is provided with common japanned buckle in similar manner as that described for the front in lieu of welt, extending 7 inches each way from center seam.

Below this welt the carrier piece is placed for the purpose of carrying the crupper, and is arranged by taking a piece of leather 4 by 8 inches, of half the thickness of the welt, folded the narrow way, slipped in exactly  $\frac{1}{2}$  of an inch, leaving the folded part out. The extending part of the carrier piece should have 3 sets of holes,  $\frac{1}{2}$  of an inch diameter, 2 holes at the upper and  $\frac{1}{2}$  of an inch apart and 1 inch from end, 2 at lower end and 1 inch from end, and 2 in center.

Thongs for each carrier piece to be provided and of latigo leather, 12 inches long and  $\frac{1}{2}$  of an inch wide.

From the carriers to the end of the aparejo there must be a welt similar to that described for the front.

The collar that shapes the aparejo for the withers must be 6 inches wide and 6 inches deep; that is to say, 6 inches along the front seams and 6 inches back toward the rear, shaped in this manner: Three inches on either side of exactly the center of the aparejo run back 4 inches, then run up 2 inches toward center, then back 2 inches and 1 inch from center, then across through center to opposite point. The center seam, like center of collar, must positively be in center of the aparejo and exactly straight across the body.

It is understood the collar is placed on the front side of the aparejo and, like center seam, is sewed through inside and back.

Now punch 2 holes, one on each side of the center stitch line,  $\frac{1}{2}$  of an inch apart, spaced equally distant, at front and rear, between the two outward seams, and provide thong 10 inches long for lacing, this to secure the aparejo cover to aparejo.

The hand-hole on inside or belly piece is for introducing the filling; the hand-hole on the back piece for guiding the ribs or springs to position in boots and saddle bars.

The slit or opening on back piece at rear, for introducing the component parts of frame. The metal squares at front and rear of aparejo are for securing the Pullman pack saddle, etc., to aparejo.

NOTE.—For 62-inch aparejo, the body pieces are cut 2 inches longer than that for a 60-inch aparejo.

For 58-inch aparejo, the body pieces are cut the same length as that for the 60-inch, the boots being cut 24 inches long and 16 inches wide.

Of 100 aparejos, make fifty 60 inches and fifty 62 inches from end to end.

In width they must be uniformly 24 inches throughout their entire length, and collar, with center seam, must positively be in the center of the aparejo.

If using 58-inch aparejos, make twenty-five 62 inches and twenty-five 58 inches, from end to end.

#### THE CRUPPER.

2. To be of good, solid, fair leather, tallow finish,  $\frac{1}{2}$  of an inch thick, sides to be of good spread.

Standard for 60 and 62 inch aparejos to be 12 inches wide at ends and 78 inches long.

Cut out 2 pieces 12 inches wide and 39 inches long. Three and three-eighths inches from corner at one end, cut in 4 inches to form dock; then describe a cut upward, circling to within 15 inches of opposite ends. To form under part of dock, add  $\frac{1}{2}$  inch to its width, which is  $1\frac{1}{2}$  inches; this allows for seam and in trimming up under surface; now cut in 2 inches and describe a cut downward, circling to within 15 inches of opposite end.

Half the crupper is thus shaped. Cut a corresponding one and lap both, allowing 4 inches for upper surface of dock; dock to be sewed down with two seams  $\frac{1}{2}$  of an inch apart in center.

Cut a strip of solid leather 3 inches wide, to conform with shape of upper part of crupper, extending around dock to within 15 inches of ends.

Cut two more strips same width and 17 inches long; lap 2 inches and sew down with two seams  $\frac{1}{2}$  of an inch from edges. For bottom facing cut a strip 2 inches wide, extending toward dock 15 inches, then gradually circling upward on inside toward dock and center; greatest width 6 inches. Sew down with three seams, outward seams  $\frac{1}{2}$  of an inch from edges, third seam through center extending from dock to within 15 inches of ends.

To form cover for dock take a piece of good, solid leather 7 inches by 10 inches, double it in center the narrow way, at center of ends cut in 3 inches so that it will fit down into the dock's space, soak well, draw snug and sew down. Shave off the under edges so as to leave it smooth on animal's hips. Leave  $1\frac{1}{2}$  inches for dock and leave one end open to introduce stuffing. Deer or antelope hair is best for the purpose. Stuff and form the dock while the leather is soft.

In shaping the dock, rub it on top as the stuffing is introduced, at the same time bringing the ends of the crupper together and bending the ends of the dock upward so as to shape the dock to the animal's tail, and the butt of the crupper to the animal's hips.

Lining for crupper to be of No. 8 28-inch cotton duck, extending from dock to within 15 inches of end each way, lapped under 1 inch, and sewed down with slanting stitch, spaced  $\frac{1}{2}$  of an inch on upper and under sides. When lining is in position the upper edge of the crupper should be bound from dock toward end 10 inches. Sheepskin is good for the purpose.

At both ends of crupper five  $\frac{3}{4}$  of an inch holes are punched 1 inch from ends. On top facing and in center, four  $\frac{3}{4}$  of an inch holes are punched, measuring for the first 24 inches from center of dock and spaced equally distant.

Lacing for crupper 2 to be of latigo leather,  $\frac{1}{2}$  of an inch wide and 7 feet long.

Laings to have a slit at heavy end  $1\frac{1}{2}$  inches long in center and  $\frac{1}{2}$  of an inch from end. These to be fastened at upper ends of crupper.

#### THE APAREJO COVER OR SOBRE-JALMA.

3. To be made of No. 4, 22-inch cotton duck. The canvas is cut the same length as the body of the aparejo. It is faced on both sides with leather 4 inches wide from end to end and 5 inches wide across ends. These facings when put on must be allowed to extend over the sides and ends of canvas so as to make the cover  $\frac{1}{2}$  of an inch wider and longer than the aparejo; to be sewed with seam at each edge.

The protecting sticks or shoes to be 21 inches long.  $2\frac{1}{2}$  inches wide, and  $\frac{1}{2}$  of an inch thick, taper the ends on one side to half the thickness at ends, extending  $5\frac{1}{2}$  inches toward center from each end, and taper on edges from center to a width of 1 inch at ends; to be placed in center of facings across ends. In tapering sticks do not allow a ridge in center. The protecting sticks or shoes to be faced at each end, facing to be placed so as to leave an exposed surface of 10 inches wide in center; to be sewed down all around with 2 seams  $\frac{1}{2}$  of an inch apart.

Now punch 2 holes  $\frac{3}{4}$  of an inch from edge of center, in front and rear, and  $\frac{1}{2}$  of an inch apart. This to secure aparejo cover to aparejo.

## THE APAREJO CINCHA.

4. To be made of No. 4, 22-inch cotton duck. The canvas to be 8 inches longer than the aparejo for which intended, and folded so as to make 2 thicknesses 10 inches wide; the lap to be sewed together with 2 seams and to be considered the surface side.

One end of the cincha to be supplied with a section of  $\frac{3}{4}$  of an inch gas pipe, flattened at ends and curved so as to take the place of a ring, to pass the latigo, or tightening strap, around; when shaped must be 1 inch less than the width of the cincha. Flattened ends to be provided with holes punched  $1\frac{1}{2}$  inches from ends, to receive No. 8 copper rivet to hold it in place. This iron is fastened to cincha by two pieces of good, solid leather, 11 inches long and  $5\frac{1}{2}$  inches wide and riveted to iron. Place one end of canvas between the folds of leather facing and sew down with 3 seams, two seams  $\frac{1}{2}$  of an inch apart, on outer edge, and one seam around edge of hole. This hole to be 3 inches wide and  $3\frac{1}{2}$  inches long, shaped half oval.

This for the latigo or tightening strap to pass through. The reverse end of cincha is faced with leather  $8\frac{1}{2}$  inches on outside and  $1\frac{1}{2}$  inches on inside, 10 inches wide and 10 inches long, cut conical shape on outside. Fold  $1\frac{1}{2}$  inches from square end and lay into this fold a  $\frac{1}{4}$  of an inch iron rod 9 inches long; lay it over end of cincha and sew down with one seam across the end so as to catch the short or under side of facing, and two seams  $\frac{1}{2}$  of an inch apart along the edge of conical facing.

Fifteen inches from strap or rod end of cincha sew on a round piece of leather 3 inches in diameter on outside of cincha; punch two  $\frac{3}{4}$  of an inch holes  $\frac{1}{2}$  of an inch apart in center. This to hold fastening, or finger loop, as it is termed, and should be of good, solid leather. Thong for fastening loop to be 12 inches long and  $\frac{3}{4}$  of an inch wide, of latigo leather, secured underneath, allowing as much loop to extend on outside as possible. Its use is to hold the end of latigo or tightening strap when the aparejo is cinched on the animal.

The latigo or tightening strap to be from 7 to 8 feet long; width,  $1\frac{1}{2}$  inches at heavy end, and  $\frac{3}{4}$  of an inch at light end.

The rendering ring in heavy end of tightening or cincha strap to be of 3-inch breeching ring, dropped into a bight, lapped  $2\frac{1}{2}$  inches inward; drop into lap the 3-inch ring, double over so as to leave a space of  $\frac{1}{4}$  of an inch from end of strap to the inside of lap. This loop is for the lace string to pass through.

Rivet in center of folds and sew down two seams.

The lacing for fastening straps to cincha to be  $\frac{1}{2}$  of an inch wide and 6 feet long; to be of latigo leather.

The conical facing to be provided with three  $\frac{3}{4}$  of an inch holes; two 6 inches apart and  $\frac{1}{2}$  of an inch from rod, the third in center and 1 inch from top.

To fasten cincha and latigo strap with lacing, bring the ends together and pass through hole at center from underneath, allowing a loop of  $\frac{1}{2}$  of an inch to remain underneath, separate ends and pass down through holes at ends.

Take the folds of latigo, ring up, and pass the right end of lacing through loop from right to left and into left-hand hole in cincha from above, pulling sufficient through to pass into the loop in center underneath, about 6 inches.

Take the left-hand lacing and pass through loop from left to right; continue and finish as before.

## THE CORONA.

5. To be three thicknesses of blanket; the first or top blanket to be of first-class kersey material, free from shoddy or any impure material, to be of uniform color, gray preferred, and two thicknesses of fair quality, together equaling the strength of the first or top blanket.

To be 2 inches wider and 10 inches shorter than the aparejo for which intended; to be faced through center from front to rear with kersey material contrasting in color with body, 14 inches wide; to be sewed down with one seam, on edges, and one seam through center to first thickness or top blanket. In cutting top or surface blanket allow a width of  $2\frac{1}{2}$  inches along its sides and ends, this to be turned under the two thicknesses of the underpinning and forms the border.

Center of one side of top blanket is provided with a numeral, 8 inches high, numbers running from 1 to 50, sewed down to first thickness or top blanket. Good tanned sheepskin is required for the purpose. The two thicknesses of underpinning to be basted down to first thickness or top blanket. Lay the  $2\frac{1}{2}$  inches of surface blanket along its side and ends over the two thicknesses of underpinning and sew down two seams, the first or inside seam so as to catch the under edge  $\frac{1}{2}$  of an inch, the second or outward seam to be 1 inch from edge.

Sweat cloth to be of No. 8, 28-inch cotton duck, 1 inch wider on sides and ends, lapped under to come flush with edge of corona all round; to be sewed with T-stitch, the same under as well as over,  $\frac{1}{4}$  of an inch apart and  $\frac{1}{2}$  of an inch from edges. The stitch must lap on edge over all.



## PACK BLANKETS.

6. Each blanket to be 90 inches long and 72 inches wide, and to weigh 5 pounds; to be gray in color and to be made of pure long staple wool, free from shoddy reworked wool, cotton, or any impure material. To bear a strain of not less than 25 pounds per inch for the warp and 30 pounds per inch for the woof without tearing, and to have not less than 22 threads of warp and 25 threads of filling or woof to the inch.

The thread to be well driven up. To have a border at each end across its width and 4 inches from ends, dyed with the best cochineals, and to have in center the letters U. S. Q. M. D., as indicated, and like border, to be dyed with the best cochineal.

P. T.

## APAREJO FRAMES.

7. *Aparejo frames for ribbing (stiffening) aparejos.*—To consist of 2 saddle bars (wood), right and left, 2 boot bars (wood), right and left, and 18 hickory ribs (wood), consisting of two half sets of 9 each, equally alike, with 6 pounds of swamp hay, form a complete frame for one aparejo.

*Saddle bars.*—Take 2 pieces of clear basswood, free of blemishes,  $21\frac{1}{2}$  inches long, 7 inches wide, and  $2\frac{1}{2}$  inches thick.

Saddle bars, right and left, to be cut in at one end with two offsets.

First offset to be cut at right angles,  $3\frac{1}{2}$  inches at one end, one way, by  $2\frac{1}{2}$  inches from upper edge.

Second offset to be cut at right angles at same upper and front end  $5\frac{1}{2}$  inches, one way, by 1 inch from upper edge.

These offsets are cut and shaped to fit under the collar of the aparejos and are considered the forward or front end of saddle bars. Now space off "gains" of nine equal parts, commencing at both ends to center of "gain," which must be  $2\frac{1}{2}$  inches; width of gains to be  $1\frac{1}{2}$  inches; length of gains,  $3\frac{1}{2}$  inches.

Now gain for brass key bar,  $\frac{3}{4}$  of an inch wide and  $\frac{1}{8}$  of an inch deep. Position of gain for key bar to be  $3\frac{1}{2}$  inches from upper edge to center of gain extending from front to rear.

Next gain for "locking bar,  $1\frac{1}{2}$  inches wide and  $\frac{1}{8}$  of an inch deep,  $19\frac{1}{2}$  inches long, spaced equally distant from each end, center of locking bar over center of key" bar.

*Locking bar for saddle bar.*—To be of sheet brass,  $19\frac{1}{2}$  inches long,  $1\frac{1}{2}$  inches wide, and  $\frac{1}{8}$  of an inch thick (gauge 16).

Locking bar is spaced off into nine equal parts, allowing  $\frac{1}{2}$  of an inch to fit into gains. This portion will be turned at right angles so as to fit snugly against the wall of gain and provided with 20 holes to receive flathead brass screws  $\frac{1}{2}$  of an inch, No. 6, and screwed down to saddle bar.

*Key bar.*—Key bar to be of spring brass 23 inches long,  $\frac{1}{2}$  of an inch wide, and  $\frac{1}{8}$  of an inch thick, rounded and slightly tapered at one end; the reverse or opposite end to be rounded and provided with a hole  $\frac{3}{4}$  of an inch from end, this to receive leather thong; diameter of hole,  $\frac{1}{4}$  of an inch.

Saddle bars, right and left, to be shaped on both sides as per sample furnished.

*Boot bars.*—Take two pieces of clear basswood, free of blemishes,  $21\frac{1}{2}$  inches long, 6 inches wide, and 3 inches thick.

Now space off "gains" of nine equal parts exactly similar to those provided in saddle bars. Length of gains,  $4\frac{1}{2}$  inches.

Now gain for "locking" bar, 1 inch wide and  $\frac{1}{8}$  of an inch deep,  $19\frac{1}{2}$  inches long, spaced equally distant from each end, exactly similar as that provided in locking bar for saddle bar.

*Locking bar for boot bar.*—To be of sheet brass,  $19\frac{1}{2}$  inches long, 1 inch wide, and  $\frac{1}{8}$  of an inch thick (gauge 16).

Locking bar for boot is spaced off in similar manner as that provided in locking bar for saddle bar and turned at right angles so as to fit snugly against the wall of gain. It will be noted that while the portion fitting into gains in saddle bar faces downward, that supplied in boot bar faces upward. This leaves a space or portion of  $\frac{1}{2}$  of an inch extending over gains the length of locking bar.

Now supply one hole at center of each space to receive flathead brass screws  $\frac{1}{2}$  of an inch, No. 6, and screw down to boot bar.

All holes on brassing must be countersunk to receive screws.

Boot bars to be shaped on both sides, right and left, as per sample furnished.

## HICKORY RIBS.

8. To be of sound straight-grained hickory, free of knots or other blemishes; 23 inches long, 1 inch wide, and  $\frac{1}{2}$  of an inch thick for 60-inch aparejos, and 24 inches long for 62-inch aparejos.

In a half set of nine ribs, the third and fourth each has a taper of 6 inches at its upper end, thickness at end to be  $\frac{3}{8}$  of an inch; for the fifth, sixth, seventh, eighth, ninth, successively, a gain of 3 inches in the taper is provided.

On one side at bottom and 2 inches therefrom numerals indicating the size of the aparejo, with number of rib, will be stamped thereon, a hyphen or dash to be used in separating the number of ribs from the number of aparejos.

In numbering the set of nine ribs, commence with the two that are not tapered; these to be numbered 1 and 2 each.

Two half sets of 9 ribs each comprise a complete set for one aparejo.

In lots of 1,000 sets, 500 to be 23 inches long and 500 to be 24 inches long, for 60 and 62 inch aparejos, respectively. If using 58-inch aparejos, 250 to be 22 inches long and 250 to be 24 inches long for 58 and 62 inch aparejos, respectively.

All work to be done in a first-class and accurate manner.

#### HAY.

9. To be free of joints, or what is known as "swamp" hay, and for each aparejo 6 pounds will be considered sufficient.

#### SPECIFICATIONS FOR PULLMAN PACK SADDLES.

Hinges for saddle to be of malleable cast iron, 6 inches long and  $2\frac{1}{2}$  inches wide each way from knuckle or bolt of hinge; bolt of hinge to be  $\frac{1}{2}$  of an inch in diameter. The upper end of plate adjoining bolt to be  $\frac{1}{4}$  of an inch in thickness, tapered to  $\frac{1}{8}$  of an inch at lower end.

Hooks (2) for hinge to be 2 inches long and  $\frac{1}{2}$  of an inch in diameter, slightly tapered toward the head; head to be of conical form; diameter of head,  $\frac{1}{2}$  of an inch; hook to be curved outwardly at half circle; the lower end of hook to have a ribbing running down the plate  $1\frac{1}{4}$  inches long,  $\frac{1}{4}$  of an inch thick, and  $\frac{1}{2}$  of an inch wide, tapering to a point at lower end. Hook to be at center of hinge and 1 inch from the center of knuckle or bolt of hinge, and to be provided with 4 holes drilled  $\frac{1}{4}$  of an inch 2 inches apart each way and  $\frac{1}{2}$  of an inch from sides and ends.

The center of knuckle along its length must be half and half above and below the upper end of plate, as per sample furnished.

Now provide 2 steel plates 21 inches long, 3 inches wide, and  $\frac{1}{8}$  of an inch thick (gauge 16), corners to be rounded.

In applying hook plates (hinges) to "side" plates, measure 15 inches from center to center of hooks. This leaves 3 inches from center of hook to end of "side" plates.

Now provide 4 halter squares  $1\frac{1}{2}$  by  $1\frac{1}{2}$  inches. These to be secured to the forward side of hook plate and upper edge of side plates with sections of steel, as per side plates, and riveted down, as per sample furnished.

The 2 inside holes at each end to be riveted down to side plates.

The 2 forward holes at each end to be riveted down to wooden side bars, as per sample furnished.

#### SIDE BARS.

Take 2 pieces of hickory wood, free from knots or other blemishes, 21 inches long, 3 inches wide, and  $\frac{1}{2}$  of an inch thick. Taper both ends, commencing  $2\frac{1}{2}$  inches from ends, and taper to a thickness of  $\frac{1}{4}$  of an inch at ends. Now measure 5 inches either way from ends on tapered or upper side and saw down so as to leave  $\frac{1}{2}$  of an inch thickness on bottom side; this portion to be "gained" out; the edges of gained portion to be well rounded and the whole smoothed off. The purpose of this 10-inch gain is for the aparejo cincha to rest on in cinching the saddle to aparejo.

To secure the side bars to side plates, "gain" out for the hook plates, so as to permit the side bars to rest evenly or flush on the side plates.

Now bore corresponding holes at each forward end of side bars to those on side plates and rivet down with copper rivets.

To secure the side bars to side plates more firmly, supply 8 holes for flat-head brass screws  $\frac{1}{2}$  No. 6, 4 at upper edge, and  $\frac{1}{2}$  of an inch therefrom, and 4 at lower edge and  $\frac{1}{2}$  of an inch therefrom, spaced equally distant, counting 5 inches either way from center of side plate. Countersink holes to receive screws, and screw down to side bars.

Now provide a strip of good, solid leather  $1\frac{1}{2}$  inches wide and long enough to form three folds to connect the 2 halter squares at each end of frame. Next provide a similar strip of leather 12 inches long and secure a  $1\frac{1}{2}$ -inch buckle, lap sufficiently over tongue of buckle, place over and under the three folds of leather connecting the metal squares, punch holes at center with No. 4 punch, using No. 8 copper rivet, and rivet down. The buckle to rest on top, tongue pointing forward, and provide 8 or 10 holes on tongue piece.

The frame to be covered with fair leather, good stock, not too heavy, and sewed down, as per sample furnished.

## SPECIFICATIONS FOR PANNIERS.

(1) The body, (2) the end pieces—2, (3) the reenforcement piece, (4) the face piece, (5) hook openings, (6) end facings—2, (7) edge binding, (8) body straps—2, (9) stay pieces—3, (10) chafes—4, (11) shoes, wooden—2, (12) shoe facings—4, (13) keepers—4, (14) canvas cover, (15) cross stay pieces—2, (16) latigos—5, (17) cincha, (18) recapitulation.

## "PANNIERS."

To be made of solid, fair leather, tallow finish,  $\frac{1}{4}$  of an inch thick, sides to be of good spread.

## 1. BODY.

Cut body piece 52 inches long and  $25\frac{1}{2}$  inches wide.

## 2. END PIECES.

Cut end pieces 14 inches wide and 15 inches deep.

Inside dimensions of "panniers" to be 25 inches long, 15 inches deep, and 14 inches wide.

This leaves an extension of 7 inches for the "face."

## 3. REENFORCEMENT PIECE.

Cut reenforcement for face  $30\frac{1}{2}$  inches long and 10 inches wide; allow 3 inches to extend downward on inside of pannier,  $2\frac{1}{2}$  inches of this portion at each end, extend on to end pieces; the upper portion to be cut to a width of  $25\frac{1}{2}$  inches for the face.

## 4. FACE PIECE.

Cut face piece  $25\frac{1}{2}$  inches long and 7 inches wide.

In assembling "reenforcement" and "face" piece to extension, cut and shape "face" as per sample furnished; these to be stitched down  $\frac{1}{4}$  of an inch from the outward edge of face with 6-cord Barbour's No. 10. five stitches to the inch. The portion of reenforcement piece extending over end piece to be sewed down on their upper and lower edges and  $\frac{1}{4}$  of an inch from edges.

## 5. HOOK OPENINGS.

For pannier hooks, cut openings on face piece 5 inches long and 1 inch wide, the long way to be up and down and  $1\frac{1}{2}$  inches from the upper edge, openings to be 15 inches apart from center to center, and equally distant from the ends of face.

Openings to be reenforced at upper ends by metal "grommets" supplied with two holes to receive No. 8 copper rivets, as per sample furnished. "Grommets" to be laid in between the folds of leather and riveted down.

End pieces to be sewed to body, regular stitch, 2 needles.

## 6. END FACINGS.

Cut end facings 45 inches long and  $3\frac{1}{2}$  inches wide.

In placing facings, lap  $1\frac{1}{2}$  inches on body and ends. At bottom corners cut in  $1\frac{1}{2}$  inches, so as to allow facings to lap over ends, and sew down  $\frac{1}{4}$  of an inch from edges.

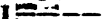
## 7. EDGE BINDING.

Cut binding for upper edge of panniers  $1\frac{1}{2}$  inches wide and long enough to reach the end of facings and sew down  $\frac{1}{4}$  of an inch from edge.

## 8. BODY STRAPS.

To be cut 28 inches long and 2 inches wide, one end to be provided with a two-inch O ring, lapped  $2\frac{1}{2}$  inches. The other end to be rounded and sewed down with 3-inch lap on the back of body piece and to be 8 inches from edges of body to center of strap.

## 9. STAY PIECES.

Cut 2 stay pieces 16 inches long and 2 inches wide, to be provided with 3 2½-inch rings, to be lapped over rings, so as to leave a length of 5 inches and sewed down ¼ of an inch from edges. 

## 10. CHAFES.

Cut 2 "chafes" 8½ inches long and 2 inches wide; these to be lapped over end rings of stay pieces, so as to leave a length of 5½ inches. "Chafes" to be placed at right angles on lower corner on back of body piece, 5½ inches either way, and to be sewed down ¼ of an inch from edges. Center ring to be provided with "Latigo" strap 6½ feet long and 1½ inches wide, lapped over center ring 3 inches, provided with 3 holes, No. 4 punch, for lacing.

## 11. SUPPORTING STICKS OR SHOES.

Provide 2 pieces of hickory wood 20½ inches long, 2½ inches wide, and 1 inch thick. One side rounded and dressed oval shape, ends to be sloped or beveled 2 inches from ends.

These to have 2 "gains" each, 2 inches wide, and ¼ of an inch deep, to receive body straps. Gains to be 5½ inches from ends to center of gain.

## 12. SHOE FACINGS.

Cut 4 shoe facings 4½ inches square and sew down to bottom of pannier over ends of shoes with 2 seams, ½ inch apart at sides, and single seam at ends.

## 13. KEEPERS.

Cut 2 keepers, 5 inches long and 1½ inches wide, rounded off at ends. These to receive body straps on front of pannier and placed 11 inches from upper edge of pannier to center of keeper, spaced equally distant, as on back of body piece, and to be sewed down around ends sufficient to allow body straps to pass through.

## 10. CHAFES.

Cut 2 chafes for end pieces, 8½ inches long and 2 inches wide, provided with 2-inch D ring at one end and rounded at the other, lap over D ring 2 inches and sew down. The rounded end to be placed at bottom and center of end piece, adjoining facing, the long way up and down, and sewed down 3 inches, ¼ of an inch from edges.

## 14. CANVAS COVER.

To be 36-inch No. 4 cotton duck, waterproof material to be of brown, or khaki color, cut 48 inches long and 36 inches wide, the lower or long end to be turned under and sewed down. The upper or face end to be laid in between the folds of facings, 2 inches spaced equally distant and riveted down with 9 copper rivets, ½ of an inch from lower edge.

## 9. STAY PIECE.

Cut stay piece for cover, running from end to end, 36 inches long, and 2 inches wide, provided with a 2-inch D ring at each end, lapped under, so as to leave a length of 16 inches. Cut a reenforcement piece for stay piece 15½ inches long and 2 inches wide. This to be placed on under side of cover.

In sewing "stay" and "reenforcement" pieces to canvas cover, place at center, and 6½ inches from lower edge of face piece.

Openings must be left for "cross-stay" pieces to pass between the folds of stay piece, and, like body straps, equally distant from center to center.

## 15. CROSS-STAY PIECES.

Cut 2 cross stays 14 inches long and 2 inches wide, each to be provided with a 2-inch D ring at one end, lapped 2½ inches, and sewed down ¼ of an inch from edges. The other end to be placed under the "face" piece 2½ inches, and, like body straps, equally distant from center to center, to be sewed down with 2 seams 2 inches long. These cross stays pass between the folds and openings left in stay piece, running from end to end on canvas cover.

## 16. LATIGOS.

Cut 4 latigos,  $6\frac{1}{2}$  feet long and  $1\frac{1}{2}$  inches wide, for cross stays, and stay piece, running from end to end, on canvas cover; at heavy end punch 3 holes with No. 4 punch, for lacing, and tie down.

## 17. CINCHA.

To be 22-inch No. 4 cotton duck, cut 24 inches long, folded the long way, so as to leave a width of 7 inches, each end to be provided with a 4-inch ring.

Cut 2 safes for rings, circular form, and 7 inches in diameter.

Cut 2 coverings for rings,  $1\frac{1}{2}$  inches wide, and long enough to cover half the ring.

Place the ring on center of safe, the end of canvas on center of ring, and sew down cover over ring, meeting the ends of canvas. Seam to be  $\frac{1}{2}$  of an inch from edges. These to be riveted down on either side of ring at ends of covering.

## 18. RECAPITULATION.

In a set of panniers (2), one is provided with a cincha and the other, its mate, with a suitable latigo.

All sewings to be of 6-cord, Barbour's No. 10, 5 stitches to the inch, to be properly waxed with the best fair wax.

All rivets in chafes, stay pieces, facings, reenforcings, laps, keepers, and cincha to be No. 8 copper rivets, and placed as per sample furnished.

All rings to be No. "O" malleable iron.

All "Dees" to be No. 326-X. C.-Dees.

Panniers to be numbered serially, in pairs, i. e., 1 and 2, 3 and 4, 5 and 6, and so on, to such number as may be manufactured. Numerals to be stenciled on front and center of face piece of pannier. Numerals corresponding with those on face will be stenciled on center of canvas cover, 22 inches from lower edge of face of pannier. Numerals to be 3 inches high, and to read from left to right.

All work to be done in a first-class and accurate manner.

## 11. PACKERS' BLINDS.

One to every 5 aparejos. To make a cup blind, take a piece of good, solid leather, 26 inches long and  $6\frac{1}{2}$  inches wide; cut and shape to leave it 3 inches wide at ends and center, and  $6\frac{1}{2}$  inches midway between ends and center. Now leave a space of  $\frac{1}{2}$  of an inch at center of cup and cut out a piece on each side, V shape,  $1\frac{1}{2}$  inches at edges; on the under side channel cut and sew together to form cup.

Face edges with strap  $\frac{1}{2}$  of an inch wide and long enough to come within 2 inches of ends; shave ends to slope and sew down with two seams.

Punch two holes  $\frac{1}{2}$  of an inch apart and  $\frac{1}{2}$  of an inch from ends; cut out between for tail thongs to pass through. For thongs cut a strip of leather  $\frac{1}{2}$  of an inch wide and 5 feet long; shave ends to slope and pass through slit at ends.

For end facings, take a piece of leather  $6\frac{1}{2}$  inches square, double and shape to end; punch two holes in center of double,  $\frac{1}{2}$  of an inch apart, and cut out between; soak well and slip thongs through slit; draw up snug and sew down with one seam on edges. Thongs may be sewed down through center, 9 inches from ends of blinds, and riveted.

For thumb piece, take a piece of leather 12 inches long and  $3\frac{1}{2}$  inches wide; punch and slit in 1 inch from edge and 3 inches from ends on each side. Lap the sides inwards so as to catch edges, and sew down with one seam. Draw it well together and cut ends so as to shape in between straps; place in center of crown, and sew down with one seam on edge, and rivet on each side of crown.

## 12. HALTERS.

To be made of fair leather, regulation size, 6 ring halters, and provided with brow band, and halter shank with trigger snap, size,  $1\frac{1}{2}$  inches; snap to be on heaviest end of shank; length of shank,  $6\frac{1}{2}$  feet.

## 13. STAMPING.

The body of the aparejo and crupper should have their length and maker's name stamped on them. The aparejo cover, cincha and corona should have the length of the aparejo stenciled on them, so that it may be readily known what parts belong together, without measuring. Care must be taken to stencil corona on sweat cloth. -

## 14. RIGGING COVERS.

To be made of 22-inch No. 4 cotton duck, two widths, 25 feet long and 44 inches wide; to be sewed with rolling stitch with No. "O" canvas twine, 4 stitches to the inch.

## RECAPITULATION.

It is understood that the aparejo proper, consists of the first 8 articles enumerated and for the aparejo complete, 1 pack saddle and 2 panniers are provided.

For each aparejo, 1 halter with halter shank will be provided.

For every 5 aparejos, 1 packer's blind will be provided.

For every 10 aparejos, one rigging cover will be provided.

All work must be done in a first-class and accurate manner.

## TABLE OF WEIGHTS—PACK EQUIPMENTS.

## APAREJO, NEWS.

1. Body.....	18.0	
2. Crupper.....	7.0	
3. Cover.....	7.0	
4. Cincha.....	5.0	
5. Corona.....	6.0	
6. Blanket.....	5.0	
7. (Inside frame) saddle bars (2).....	6.0	
8. (Inside frame) boot bars (2).....	6.8	
9. (Inside frame) hickory ribs 1.8.....	4.0	
10. (Inside frame) hay.....	6.0	
		70.8
11. Pack saddle.....	10.1	
12. Panniers (2).....	51.0	
13. Halter.....	2.4	
14. Blind.....	1.8	
		65.3
Total.....		135.11

## INDEX TO CONSTRUCTION OF APAREJOS.

(1) The body, (2) the aparejo cover, or sobre-jalma, (3) the aparejo cincha, (4) the aparejo crupper, (5) the corona, or saddle pad, (6) the pack blanket, (7) the aparejo frame (inside), (8) hay.

*Accessories.*—(9) The pack saddle, (10) the panniers, (11) packers' blinds, (12) halters, (13) stamping, (14) rigging covers, (15) recapitulation.

Adopted June 20, 1905.

C. F. HUMPHREY,  
Quartermaster General, U. S. Army.

## SPECIFICATIONS FOR SIX-MULE UNITED STATES ARMY WAGON HARNESS.

## WHEEL.

*Two bridles.*—Crown pieces 2 feet long,  $1\frac{1}{2}$  inches wide, split 7 inches at each end so as to form straps to receive buckles of cheek pieces 1 inch wide, and buckles of throat straps  $\frac{1}{2}$  inch wide. Cheek pieces, one side stitched by hand, each 10 inches long, 1 inch wide, cut 2 feet 10 inches long, to form billets for bit; the billets to extend 11 inches from cheeks, with one  $\frac{1}{2}$ -inch slide loop on each; four cut loops  $\frac{1}{2}$  inch wide, properly stitched into each cheek.

*Blinds,* half oval-shaped,  $9\frac{1}{2}$  inches long, cut  $5\frac{1}{2}$  inches wide at swell, extending 1 inch into cheeks, leaving  $4\frac{1}{2}$  inches wide in clear at swell;  $\frac{1}{8}$  inch thick, of solid leather, two ply; two rows of stitching  $\frac{1}{2}$  inch apart around the edges; one  $1\frac{1}{2}$ -inch brass U. S. filled ornament on outside of each blind.

*Stay pieces,* 16 inches long in clear,  $1\frac{1}{2}$  inches wide, one end split 7 inches, stitched into blinds; other end properly punched, to form a loop around crown piece, with tie string 16 inches long,  $\frac{1}{2}$  inch wide, of yellow latigo leather. No nose or face pieces.

Rein, long side 4 feet long, 1 inch wide; billet 9 inches long in clear, 1 inch wide, with buckle on one end; other end properly pointed and punched; short side 2 feet long, 1 inch wide, with buckle and loop stitched in one end; billet 9 inches long in clear, 1 inch wide, with buckle on other end; laps 3 inches long; slide loop  $\frac{1}{4}$  inch wide on short rein.

*Front pieces*, 1 inch wide,  $16\frac{1}{2}$  inches long, including loops, which crown pieces are to pass through; laps  $2\frac{1}{2}$  inches long. Throat straps, 19 inches long,  $\frac{1}{4}$  inch wide, with buckle at each end; laps  $2\frac{1}{2}$  inches long.

*Bits*, malleable, jointed, japanned, loose rings, 2 inches inside diameter; bright mouth, to measure not less than  $5\frac{1}{2}$  inches between rings; to weigh from 7 to 8 pounds per dozen.

*One chin chain*.—Ten inches long, of No. 6 iron, 15 twisted links to the foot, with one S-hook  $1\frac{1}{2}$  inches long of No. 4 iron at each end; one ring  $1\frac{1}{2}$  inches diameter of No. 4 iron in center.

*One coupling strap*.—Six feet 6 inches long, 1 inch wide for a distance of 6 feet, thence tapering to  $\frac{1}{2}$  inch at tie end; billet 9 inches long in clear, 1 inch wide, with 1-inch buckle and  $\frac{1}{4}$ -inch loop at buckle end; lap 3 inches long; stitched by hand.

*Two collars*.—To be high-peaked, rims solid-stuffed, to measure not less than 54 inches in circumference; rim and back solid, all in one piece, of fair, best quality No. 1 kip oak-tanned leather; bellies of fair, best quality hog skin, to be lapped at throat not less than 2 inches, stuffed with long straw and well faced with best quality clean picked Western hog hair, ticking between hair and straw; bulge at point of shoulder to measure not less than 13 inches in circumference, exclusive of rim; to have chafe piece of hog skin, 11 inches long, 2 inches wide, tapering to a point at each end at point of shoulder, outside seams to be stitched with two rows of stitching  $\frac{1}{2}$  inch apart; middle and outside seams to be stitched with not less than 10 stitches to the foot, with best quality of strong thong leather; upper ends of collar to be neatly stitched across before finishing, solid pieces of leather being inserted in the peaks; to be finished with one buckle chape  $3\frac{1}{2}$  inches long,  $1\frac{1}{2}$  inches wide, with one  $1\frac{1}{2}$ -inch No. 52 XX buckle and  $\frac{1}{4}$ -inch loop, one billet  $1\frac{1}{2}$  inches wide, 7 inches long in clear, stitched on with laps 3 inches long; chapes and billets to be stitched to collar with double ends of 5-cord No. 10 thread, well waxed, each lap to have three rows stitching, not less than 3 stitches to the inch, with two drop stitches at upper end of each outside row; chapes, loops, and billets to be of best quality oak harness leather, edges creased but not required to be blacked; pads of heavy, solid, smooth harness leather  $8\frac{1}{2}$  inches long,  $5\frac{1}{2}$  inches wide, corners rounded, edges properly skived, to be attached to collar with same stitches that secure the billets, leaving the stitches smooth and no knots under pads; to have one harness leather loop  $\frac{1}{2}$  inch wide, encircling collar, neatly stitched to one end of pad; collars to be well shaped, and to properly receive and hold hames; sizes per hundred, 25 18-inch, 50 19-inch, 25 20-inch, measured on inside at rim; sizes and name of manufacturer and date of contract to be neatly stamped on billets.

*Two pairs hames*.—Of suitable sizes, Concord; wood, best white ash,  $23\frac{1}{2}$  inches end to end, three mortised top loops  $\frac{1}{8}$  inch by  $1\frac{1}{4}$  inches; length from bottom loop to lower top loop  $17\frac{1}{2}$  inches; to second loop  $19\frac{1}{2}$  inches; to upper loop  $21\frac{1}{2}$  inches; width at shoulder  $1\frac{1}{2}$  inches, beveled back to  $1\frac{1}{8}$  inches at front; thickness  $1\frac{1}{8}$  inches.

*Backs*, soft steel,  $\frac{1}{4}$  inch by  $\frac{3}{8}$  inch,  $24\frac{1}{2}$  inches over all, including loop; bottom end formed into an eye to carry bottom loop; end of iron turned under and riveted on top of wood with a T-rivet; offset bottom loop for strap  $1\frac{1}{2}$  inches wide, with roller, riveted to wood with four rivets, exclusive of the T-rivets.

*Line rings*, 2 inches inside measurement,  $\frac{1}{4}$  inch diameter; shoulder for stud riveted through back and wood to washer.

*Back strap triangle*.—For back or side strap,  $1\frac{1}{2}$  inches wide, of  $\frac{1}{4}$ -inch iron, attached on back 2 inches above hook staple, riveted through back and wood to washer with stud; triangle to work loose in stud.

*Hooks and staples*.—Hooks, double,  $1\frac{1}{2}$  inches wide by  $\frac{1}{4}$  inch thick; length  $3\frac{1}{2}$  inches over all, with double guard points preferred, attached to hame by staple  $\frac{1}{4}$  inch diameter, riveted through wood on sides to a wrought plate countersunk flush with wood,  $\frac{1}{2}$  inch wide, 4 inches long, No. 12 gauge; staples to be in one piece, with inclosed ends, to carry breast rings; breast rings 2 inches inside diameter, of  $\frac{1}{8}$ -inch soft steel.

*Finish*.—Wood and iron work to be neatly finished, backs polished, all to be varnished; hames to be as above described or equal, to be stamped with name of manufacturer and sizes.

*Two hame straps*.—Lower, to be 22 inches long,  $1\frac{1}{2}$  inches wide, with  $1\frac{1}{2}$ -inch buckles and 1-inch loops; laps  $3\frac{1}{2}$  inches long; stitched by hand.

*Two hame strings*.—Upper, 5 feet 6 inches long,  $\frac{1}{2}$  inch wide, of best quality yellow latigo leather, tapered to a point at one end, commencing 6 inches from end; other end to have hole punched and slip cut.

*Two choke straps.*—Three feet 2 inches long, 2 inches wide, with reversed 2-inch buckle and 1½-inch loop, stitched in one end forming loop; billet 1 foot 8 inches long in clear, 2 inches wide, with 2-inch buckle and 1½-inch loop stitched on other end; laps to be 4 inches long, with three rows of stitching, two No. 9 copper rivets and burrs in each lap; stitched by hand.

*Two belly bands.*—Long side 2 feet 2 inches long, 2 inches wide, one end stitched to form a loop not less than 3½ inches inside measure, for pipes and trace chains to pass through; lap 3 inches long; other end with 2-inch buckle and 1½-inch loop stitched in by hand, with lap 3½ inches long; short side 1 foot 6 inches long, 2 inches wide, one end made to form a loop, same as on long side; other end properly punched and pointed to form a billet; laps to have three rows of stitching, two No. 9 copper rivets and burrs in each lap.

*Two pairs chain pipes.*—Two feet 6 inches long, 2½ inches wide, of heavy smooth leather, lined 5½ inches inside at each end, inner end of lining properly skived, stitched across each end to secure outer end of lining, and at edge from end to end; one No. 9 copper rivet and burr properly placed in lower corner at each end.

*Two neck straps.*—Three feet 3 inches long, 2½ inches wide, one end to have 2½-inch buckle and 1½-inch loop, stitched into extended return lap 6½ inches long, with three rows of stitching extending back on lap 4 inches, balance of the lap to receive the neck chain loop, secured with four No. 9 copper rivets and burrs, the solid end of strap to be properly punched and pointed.

*Two neck chains.*—Four feet 6 inches long, 14 twisted links to the foot, of No. 3 iron, with a loop of No. 2 iron, 2½ inches wide inside measure, which is to be riveted into the neck strap, and a swivel 3 inches from loop on one end, a forged 4½-inch T at other end; two forged, stationary rings of No. 2 iron, 1½ inches inside diameter, to be placed, one 12 inches, the other 41 inches from T, and one sliding ring of same size between stationary ring on chains; weight not less than 5½ pounds per pair.

*Two pairs trace chains.*—Seven feet long, 12 twisted links to the foot, of No. 1 iron, a strong, forged, hooked T 4½ inches long on one end, the hook end of T to be of proper shape to hook into the twisted links or swivel; heavy swivel 24 inches from hook end with the large eye of swivel toward hook; six straight links each, 2½ inches long, outside measure, of No. 0 iron, on front end; weight not less than 10 pounds per pair.

*Two breast chains.*—Twenty-eight inches long, 14 twisted links to the foot, of No. 1 iron, with a strong, forged, properly shaped T 4½ inches long, on each end; weight not less than 4 pounds per pair.

*Two quillors.*—Heavy single leather; breeching bands 3 feet 6 inches long, 3½ inches wide, stitched into 4-inch rings of ½-inch japanned, malleable iron, with laps 6 inches long, three rows stitching.

*Hip straps.* 3 feet 11 inches long, 2½ inches wide, stitched into the quillor rings, with laps 6 inches long, three rows stitching; to have a solid 2-inch stay from breeching band to hip strap at each ring.

*Stay pieces.* 2 feet long, 2½ inches wide, connecting the breeching band to hip strap, attached with X rows of stitching: 2 drop stitches at each end of each row of X stitches, which do not extend over edge of leather; the stay pieces to extend below edge of breeching bands ½ inch, and above edge of hip strap 7 inches, as measured at center of stay piece, with round or pencil end chape 4 inches long, 1½ inches wide, with 1½-inch buckle and 1-inch loop, stitched by hand on upper extended end of each stay piece back far enough from end to form safes, to receive cross straps. Spread, to measure from center to center of X rows of stitching on stay pieces at breeching bands 19 inches, and at hip straps 19 inches.

*Cross straps.* 6 feet long, 1½ inches wide, one end properly pointed and punched to buckle onto stay piece; other end properly punched, to form a loop to attach to hames, with tie strings of yellow latigo leather, ¾ inch wide, 16 inches long; side straps 5 feet long, 1½ inches wide, one end stitched into quillor ring, with lap 3½ inches long; other end properly punched, to form a loop to attach to hames, with tie strings of yellow latigo leather, ¾ inch wide, 16 inches long.

*Tie strings.* of yellow latigo leather, ¾ inch wide, 30 inches long, tapering to a point at both ends, to attach the quillor rings to trace chains; one No. 9 copper rivet and burr between each two rows of stitching in each lap on quillor.

*One saddle.*—Leather to be of best quality No. 1 pure oak tanned, fair skirting, free style known as "Morgan," made of best quality red elm or other hard wood, without defects, to be uniformly covered with not more than six pieces of best quality beef rawhide, stitched with same material, with not less than four stitches to the inch, in best workmanlike manner; the head and gullet in one piece, with solid fork; diameter of pommel 4½ inches; circumference of gullet 8½ inches in smallest part, to have one hole on each side 2½ inches long, 1½ inches from edge, for stirrup leathers; cantle at center to be 1½ inches wide on under side, 2½ inches wide on top, the rawhide covering on back of cantle to be of one continuous piece across; to have



not less than five stitches through tree in front and rear of cantle on each side of seat; opening between bars to be 2 inches wide at center of seat; sizes, per hundred, ten 13-inch, eighty 13½-inch, ten 14-inch, measured from gullet to cantle.

*Flaps*, of proper shape, with rounded corners, running under the tree to be 20 inches long, 15½ inches deep, and extending 6 inches below girthing Dee, each secured to tree with not less than sixteen 22-oz. Swede's iron tacks.

*Four girthing straps*, each 1½ inches wide; one 21½ inches long, passing in front of pommel and stitched into 2-inch No. 456 girthing Dee on each side of saddle, with laps 3 inches long; one 30 inches long, passing around pommel and stitched into the girthing Dee on each side with 3-inch laps; and two (one on each side), each 14 inches long, attached at one end to the girthing Dee with 3-inch lap, other end secured to extension of bar behind cantle; each strap secured to tree with two ¾-inch No. 7 brass screws on each side. Two lacing straps, one on each side, 1½ inches wide, 4 feet 6 inches long, tapering to a point at one end, stitched reversed into Dees with laps 3 inches long at other end.

*Four tie strings*, each 3 feet long, ¾ inch wide, tapering to a point at both ends, of yellow latigo leather, one on each side at rear, passing through flap, tree, and strap back of cantle, one on each side at front, passing through flap and tree.

*One girth*, of closely woven pure hair, 4 inches wide at center, 16 inches long, exclusive of rings, with one ½-inch or No. 0 japanned malleable ring 2½ inches diameter, woven into each end.

*Stirrup leathers*, each 5 feet long, 2 inches wide, with a 2-inch buckle stitched in reversed, with three rows of stitching; laps 3 inches long, and two slide loops 1 inch wide.

#### SPECIFICATIONS FOR SWING HARNESS FOR SIX-MULE U. S. ARMY WAGON.

*Two bridles*.—Same as for wheel harness.

*Two hame straps, lower*.—Same as for wheel harness.

*Two hame strings, upper*.—Same as for wheel harness.

*Two neck straps and chains*.—Same as for wheel harness.

*Two bellybands*.—Same as for wheel harness.

*Two pairs chain pipes*.—Same as for wheel harness.

*Two pairs trace chains*.—Same as for wheel harness.

*Two collars*.—Same as for wheel harness; sizes, per hundred, 20 17½-inch; 40 18-inch, 40 19-inch.

*Two pairs hames*.—Same as for wheel harness, with hooks, rings, staples, and triangles.

*Two coupling straps*, 5 feet 6 inches long, ¾ inch wide for a distance of 5 feet, thence tapering to ½ inch at tie end, with billet 9 inches long in clear, ¾ inch wide, and ¾-inch buckle stitched on with lap 2½ inches long, at buckle end. Stitched by hand.

*One lead line ring and strap*.—Ring to be 3 inches diameter, No. 1 iron, stitched to one end of a strap 8 inches long, 1 inch wide; other end of the strap to have billet 9 inches long in clear, 1 inch wide, and 1-inch buckle stitched on; laps to be 3 inches long. Stitching by hand.

*Two backbands*.—To be 3 feet 4 inches long, 3½ inches wide, cut 4 feet 9 inches long, turned under at each end to form loops not less than 3½ inches inside measurement for pipes and trace chains to pass through; laps to be 4 inches long, stitched with three rows of stitching, a strap 11 inches long, 2 inches wide, of solid leather, round or pencil-ended, stitched on top at center, with a lap at each end 2½ inches long, one No. 9 copper rivet and burr between each two rows of stitching.

*Leg guards or fenders* to be 17 inches long, 6½ inches wide at top, 8½ inches wide at bottom, of proper pattern, corners rounded, with two loops on under side (top and bottom) 1½ inches wide, for stirrup leathers to pass through, each secured with four No. 9 copper rivets and burrs.

*Stirrups*, of best quality seasoned oak or ash, without defects, smooth finish, bent, 5½-inch spread, 4-inch tread, top rounded, 3 inches wide, and closed with block and two ¾-inch iron rivets and burrs, leaving 2½-inch space for stirrup leathers; stirrup to be not less than ½ inch thick at tread, balance of stirrup not less than ¾ inch uniform thickness.

*One No. 9 copper rivet and burr* between each two rows of stitching in each lap on saddle; all leather parts to be edged and creased; in addition, the flaps and fenders to have hog-skin impression.

*Whip*.—Blacksnake, 5 feet 6 inches long, 1½ inches in diameter at butt, well stitched with thread, turned seam, all leather free from defects, two plaited leather buttons 6 inches apart, secured with brass-head tacks around handle; one strap ½ inch wide,

to form a 6-inch loop, properly secured at butt end; a twisted buckskin lash 18 inches long, looped onto light end.

*Two cruppers and hip straps.*—Back strap 5 feet long, tapering from 3½ inches to 2½ inches, front end properly punched, to form a loop to attach to hames, with tie strings of yellow latigo leather ¾ inch wide, 16 inches long; back ends cut out 8 inches, to form billets, tapering to 1½ inches wide at ends, pencil-shaped, to which smooth rolled crupper dock (cut 16 inches long, 3 inches wide) is attached, with laps 2½ inches long; one 1½-inch No. 456 Dee, secured on back strap by a chape 1½ inches wide, 4½ inches long, pencil-shaped end, stitched on 12 inches from ends of crupper billets, one No. 9 copper rivet and burr between stitches on chape; hip straps each 2 feet 6 inches long, 1½ inches wide, one end stitched into Dee on back strap; other end to have 1½-inch reversed buckle stitched in with one stationary and one slide loop, to form a loop to hold a 2-inch No. 1 ring, and a small S-hook or open link of ½-inch iron, to attach ring to trace chains; laps 3 inches long, with one No. 9 copper rivet and burr in each lap on hip straps.

*One bearing chain.*—Four feet long, twisted links 14 to the foot, of No. 2 iron, with a forged ring 2½ inches inside diameter of No. 1 iron in the middle, a forged, hooked T, 4½ inches long at each end, the hook end of T to be of proper shape to hook into the twisted links or into breast rings of ⅝ inch iron on hames; weight not less than 3 pounds each.

#### SPECIFICATIONS FOR LEAD HARNESS FOR SIX-MULE U. S. ARMY WAGON.

*Two bridles.*—Same as for swing harness.

*Two hame straps, lower.*—Same as for swing harness.

*Two hame strings, upper.*—Same as for swing harness.

*Two neck straps and chains.*—Same as for swing harness.

*Two bellybands.*—Same as for swing harness.

*Two back bands.*—Same as for swing harness.

*Two pairs chain pipes.*—Same as for swing harness.

*Two cruppers and hip straps.*—Same as for swing harness.

*Two pair trace chains.*—Same as for swing harness.

*Two coupling straps.*—Same as for swing harness.

*One lead-line ring and strap.*—Same as for swing harness.

*Two collars.*—Same as for swing harness and same sizes.

*Two pairs hames.*—Same as for swing harness.

*One martingale.*—Four feet 6 inches long, 1½ inches wide, split 18 inches; two billets 9 inches long in clear, ¾ inch wide, with ¾-inch buckles stitched in front ends, reversed 1½ inches; buckle stitched in back end to form loop; laps 2½ inches long. Stitching by hand.

*One check rein.*—Long side 4 feet 1 inch long; short side 4 feet long; to be of two lengths of leather, each 1 inch wide, which are properly lapped over each other with grain side up at back end, so as to form one lap 3½ inches long, into which a 1½-inch No. 2 ring is stitched; billets 9 inches long in clear, 1 inch wide, with 1-inch buckles stitched in front ends, with laps 3½ inches long; laps in check reins to be secured with three drop stitches in center of each skived end of each lap, and two drop stitches at end of each row of stitches next to buckles and rings; one No. 9 copper rivet and burr in the lap at ring. Stitching by hand.

*One lead line.*—Twenty-eight feet long, 1½ inches wide; billet 9 inches long in clear, 1½ inches wide, with 1½-inch buckle stitched on front end, back end made to form a loop 8 inches long; laps to be 3½ inches long, with three rows of stitching. Stitching by hand.

*One jockey stick.*—Four feet 6 inches long, rounded; diameter in center 1½ inches, tapering at each end to ¾ inch, to be of best quality seasoned hickory, without defect, split with the grain, each end to have a clip of ⅝-inch iron, flattened to ¾-inch, extending 4 inches on stick, secured with two iron rivets, to have clear space 1 inch by ¾ inch for attachment of chains; one chain 10 inches long, twisted links 10 to the foot of No. 4 iron attached to each clip; one ¾-inch round-eye Sargent's snap, secured to end of one chain by ⅝-inch small S-hook or open link; one forged, properly shaped T, 4½ inches long, secured to end of other chain by suitable eye.

#### GENERAL PROVISIONS.

*Boxes.*—To be packed in boxes, 20 inches wide, 15 inches deep, 38 inches long, inside measurement; of ¾-inch seasoned white pine, C grade, both sides dressed; two complete single sets wheel harness, including saddle and whip, or four complete single sets swing or lead harness, less jockey sticks, packed in each box.

All measurements given are in the clear, for parts made up, allowances to be made for laps, chapes, etc., the whole to be made of the best material and in the best workmanlike manner throughout; all leather, not otherwise specified, to be the best quality, pure oak or hemlock tanned harness, free from defects; buckles No. 52 XX, japanned, malleable, roller, barrel pattern; rings and D's of malleable iron, japanned, unless otherwise specified; all stitching not otherwise specified to be done by hand or lock-stitch machine, six stitches to the inch, with four-cord No. 10 white thread, well waxed, unless otherwise specified; the beginning and ending of all stitching in all laps to be secured with not less than two drop stitches (additional stitches are required in check-rein laps); on each edge of laps, next to buckles, rings and D's, two drop stitches are required; straps, billets, loops, chapes, safes, laps, and edges to be neatly edged, creased, and finished; straps and billets to have proper number of holes punched, and to have points round or pencil-shaped; all chains to be of best quality iron, bright polished; welds in links and rings to be properly smoothed and finished; size of iron in chains are as measured on U. S. standard wire gauge.

Harness to be subject to the usual Government inspection during process of manufacture. Final inspection to be made on delivery. To be neatly stamped with name of manufacturer and date of contract on following parts: Crown piece of bridles, billet of collar, back bands, back strap of crupper, back end of lines, flap of saddle, hames, and breeching band.

Adopted September 20, 1901. 127366, Q. M. G. O.

JEFFERSONVILLE DEPOT,

Q. M. Dept., Indiana, September, 1901.

Amended February 18, 1907. No. 139020, Q. M. G. O.

#### SPECIFICATIONS FOR OLIVE DRAB WOOLEN BLANKETS, HEAVY QUALITY.

##### WAR DEPARTMENT,

##### OFFICE OF THE QUARTERMASTER-GENERAL.

**Wool.**—For warp: To be American wool, shorn from live sheep, of not lower grade than high three-eighths blood; staple to be of good character, sound, true, and well conditioned, possessing sufficient length in addition to the other qualities to produce a good, strong, and even-spun yarn. For filling: To be long-staple American wool, shorn from live sheep, of not lower grade than high one-half blood; character of staple to be sound, true, and well conditioned. Both warp and filling wools to possess good felting properties, and to be free from kemp, shives, wastes, noils, shoddy, flocks, reworked wool, vegetable fibers, or other impurities (slubbing from the card and broken spool stock from the mule made at the time this yarn is being manufactured not to be considered as waste).

**Color.**—To be a mixture of an olive drab shade, as represented by the sealed standard sample, the various colors required to produce the mixture to be dyed in the wool and thoroughly cleaned before mixing. They must be sufficiently fast to withstand milling and climatic influences, such as sunlight, air, and exposure incident to the military service.

**Border.**—An olive brown border about 3 inches wide to extend across the blanket about 8 inches from each end; the wool in border to be of the same grade as the body of the blanket; to conform in shade to the border of the standard sample, and to withstand the official tests for permanency of color.

**Threads.**—The warp to contain not less than 1,460 threads; the picks of filling to be not less than 25 to the inch.

**Size.**—To be not less than 7 feet nor more than 7 feet 3 inches long. To be not less than 5 feet 6 inches nor more than 5 feet 9 inches wide finished.

**Weight.**—To weigh not less than 5 pounds. Blankets weighing less than 5 pounds shall be rejected, unless when subjected to a conditioned or dry-fiber test the weight thus found, with 11 per cent added (for normal regain of moisture allowable), will bring the weight up to or over 5 pounds. At the discretion of the contracting officer, blankets weighing 5 pounds or over may be conditioned, and if found, when the weight becomes constant in the conditioning oven, to weigh less than  $4\frac{1}{8}$  pounds, they shall be rejected.

**Strength.**—To be capable of sustaining a tensile strain without breaking of 35 pounds to the inch warp ways and 40 pounds without breaking to the inch filling ways. To insure an even strain on all threads great care must be exercised to be sure that the material is placed in the jaws of the dynamometer at exactly right angles to the opposite system of threads.

**U. S. brand.**—Each blanket to have the letters "U. S." not less than  $5\frac{1}{2}$  nor more than  $6\frac{1}{2}$  inches long in the center of and placed lengthwise with the blanket; the





**OLIVE DRAB BLANKET.**  
**(Heavy weight.)**

lettering to be worked through the blanket either by hand or machine, using a yarn composed of the same material, shade, and permanency of dye as that of the border. The style of letters to be the same as those upon the sealed standard sample.

*Official color tests.*—The following are the official tests which the materials shall be subjected to during the inspection:

Test 1. Samples or skeins of the yarn, warp, and filling from which the blankets are made (about 20 yards of each yarn) shall be thoroughly scoured, then boiled for ten minutes in a solution composed of eighty grains of ivory soap to one pint of water.

Test 2. A second sample shall be taken and boiled ten minutes in a solution containing ten grains of dry carbonate of soda to one pint of water.

Test 3. An exposure to the weather (roof test) for thirty days.

Test 4. Soaking twenty-four hours in lactic acid, specific gravity 1.21 U. S. P. Temperature about 70° F.

Test 5. Soaking twenty-four hours in a solution composed of three drams (avoirdupois) of citric acid to two fluid ounces of water. Temperature about 70° F. To correctly judge results, the specimens that have been subjected to the above tests must be washed in a weak solution of ivory soap and tepid warm water, and no greater changes of color must appear than would be shown under similar tests made on the sealed standard sample.

*Workmanship.*—The blanket to be manufactured in a thoroughly workmanlike manner, well full, thoroughly cleaned, free from crocking, evenly and thoroughly gassed. The ends to be secured from raveling by gimp and an elastic overlocked stitch, as shown upon the sealed standard sample; the gimp and thread employed to conform closely in shade to either the border or the body of the blanket. Details of workmanship or any other points not enumerated in these specifications to be executed in conformity with the sealed standard sample.

Adopted April 23, 1906, in lieu of specifications of August 25, 1905 (No. 771), which are hereby canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

*NOTE.*—A sample of undyed clean wool, also samples of wools after mixing to produce shade, as well as a skein of yarn, warp, and filling, shall be delivered to the contracting officer with the first delivery of goods and at other regular periods during the life of the contract, as desired.

In one corner of each blanket there should be neatly stitched, with not less than eleven stitches to the inch, a piece of standard label cloth 2½ inches by 1½ inches on which shall be printed, in indelible ink, the name of the contractor, date of contract, and name of depot, leaving a blank space at bottom for the name of the inspector.

#### SPECIFICATIONS FOR O. D. WOOLEN SERVICE BREECHES, MOUNTED AND FOOT.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

*Pattern.*—U. S. Army model, cut full at seat and thigh, to fit close at knee and below, with an outlet on outside seam from knee down. Waistband cut on. To have a slash in each leg from just below knee cap to bottom and just inside the center, with a facing on outside and a tongue on under side. Allowance of ¼ of an inch made for all seams. All patterns will be furnished by the Quartermaster's Department. No piecing, skimping, or altering in any way whatever will be permitted.

*Materials.*—To be made of O. D. kersey, khaki, khaki-colored corset jean, with strength test of 100 pounds to the inch in the warp and 50 pounds in the filling; ½-inch O. D. cotton tape, linen laces, buttons, buckles, hook and eye, eyelets, cotton and linen thread and sewing silk. All as shown in the standard sample.

*Seams and stitching.*—All seams and stitching to be made with single or twin needle machines. The seat and inseams of mounted breeches to be taped above and below the reenforce. All as shown in the standard sample.

*Waistband lining.*—Of khaki, with an extension piece at back to form a stay for buckle straps and back-belt loops. All as shown in the standard sample.

*Belt loops.*—To be of sufficient length to admit a 1½-inch belt, placed on breeches opposite the suspender buttons, neatly turned in and securely stitched to the body of the breeches. All as shown in the standard sample.

*Pockets.*—Of khaki, two top and one inserted watch pocket. To be properly placed, faced with O. D. kersey, and neatly bar tacked. All as shown in the standard sample. The bar tacking may be either hand or machine work.

**Buckle straps.**—To be lined with corset jean and to have a white metal buckle, of style and quality shown. To be properly placed and securely stitched on. All as shown in the standard sample.

**Flies.**—To be securely tacked at base. Right or button side to be lined with khaki, neatly turned in. Left or buttonhole side to be neatly lined with O. D. corset jeans, taped and tacked between holes. Buttons and buttonholes to be properly spaced. All as shown in the standard sample.

**Reinforce.**—To be properly placed, neatly turned in, and double stitched. The bottom parts to be quilted with six rows of stitching. All as shown in the standard sample.

**Slashes.**—To be faced on outside with O. D. kersey, double stitched, with tongue of O. D. kersey, bound with tape on the under side, securely caught in and fastened by the stitching of the facing. The slash, set with eyelets, not more than  $\frac{1}{2}$  inch apart, to be closed by lacing. All as shown in the standard sample.

**Buttons.**—Of vegetable ivory, 24 lignes in diameter; six on inside of waistband, properly spaced, and four or five on the fly, according to the size of the breeches. To be securely sewn on by hand, tightly wrapped to form a shank, and ends well fastened off. All as shown in the standard sample.

**Buttonholes.**—Breeches of 35-inch waist measure or less to have four buttonholes, those of 36-inch waist measure or more to have five buttonholes properly spaced in the fly. To be worked over a No. 9 gimp and securely bar tacked. All as shown in the standard sample.

**Hook and eye.**—Flat nickeled brass hook and eye in middle of waistband, taped and fastened by machine stitching. All as shown in the standard sample.

**Eyelets.**—To be of brass, celluloid coated, of size and color shown in the standard sample.

**Laces.**—To be of braided linen, not less than 53 inches in length, metal tipped, and of size, quality, and color shown in the standard sample.

**Tape.**—Tongues and bottom of legs bound half and half with  $\frac{1}{2}$ -inch tape, as shown in standard sample.

**Thread.**—Silk thread to be used for all stitching and buttonholes, of quality and color shown in the standard sample. Letter "A" for machine stitching and "B" for buttonholes. Size of silk for buttonholes and stitching may vary according to machines used. In every case standard buttonholes and stitching required. Linen thread to be used for sewing on buttons. Cotton under thread used in stitching of waist and lining. All as shown in the standard sample.

**Workmanship and finish.**—The breeches to be clean, well made, and pressed in a workmanlike manner, and show no raw edges on outside nor defective stitching in any part of the garment. To be like or equal to the standard sample in all particulars.

**Marking and size ticket.**—Each pair of breeches to have a printed ticket, giving size, waist, and length measurements, sewed on outside of waistband between the second and third belt loops on right side. To have sewed on under side of right pocket a piece of standard label cloth showing name of contractor, date of contract, and depot in indelible ink, with a blank space at bottom for the inspector's name.

Table of sizes.

Number.	Waist.	Length to garter.	Number.	Waist.	Length to garter.
	Inches.	Inches.		Inches.	Inches.
1.....	30	26	17.....	35	25
2.....	30	28	18.....	35	27
3.....	31	25	19.....	35	29
4.....	31	27	20.....	36	26
5.....	31	29	21.....	36	28
6.....	32	26	22.....	36	30
7.....	32	28	23.....	37	27
8.....	32	30	24.....	37	29
9.....	33	25	25.....	37	31
10.....	33	27	26.....	38	26
11.....	33	29	27.....	38	28
12.....	33	31	28.....	38	30
13.....	34	26	29.....	39	27
14.....	34	28	30.....	40	28
15.....	34	30	31.....	41	27
16.....	34	32	32.....	42	28

*Foot breeches.*—To conform to the above in all respects except that there will be no reenforce; the seat seams will be taped throughout and to have stay pieces at the crotch. All as shown in the standard sample.

*Note.*—A variation of  $\frac{1}{2}$  inch in the waist measurements and length of breeches will be permitted.

Adopted June 24, 1907, in lieu of specifications of September 26, 1904 (No. 698), which are canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

# SPECIFICATIONS FOR COTTON KHAKI SERVICE BREECHES, MOUNTED AND FOOT.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

*Pattern.*—U. S. Army model, cut full at seat and thigh, to fit close at knee and below, with a 1-inch outlet on outside seam from knee down. Waistband cut on. To have an opening in each leg from just below knee cap to bottom and just inside the center. A reenforce on outside of this opening and tongue on under side. Allowance of  $\frac{1}{2}$  of an inch made for all seams. No piecing, skimping, or altering in any way whatever will be permitted.

*Material.*—U. S. Army khaki; Breeches, reenforce or saddle piece, belt straps, waistband lining, fly, fly lining and staying, pockets, slash reenforce, and tongue and buckle straps.

*Seams.*—All seams except the seat and inside seams of mounted breeches, to be lapped and double stitched  $\frac{1}{2}$  of an inch apart. Twin-needle machine may be used. The seat and inside seams of mounted breeches will be opened, stitched each side, and taped above and below the saddle piece, all as shown in the standard sample.

*Pockets.*—Two straight or corner pockets and one watch pocket. Corner pockets to be deep enough, at least, to bring the lower corner on a line with the fly-tack. Watch pocket to be placed in right-hand pocket bearer, bound in. Corners of all pockets to be bar-tacked.

*Belt loops.*—About  $\frac{1}{2}$  inch wide and sufficiently long to admit a 1 $\frac{1}{2}$ -inch belt. To be stitched and sewed on outside, as shown in standard sample. Six in number and placed opposite suspender buttons.

*Buckle straps.*—To be stitched and sewed on, and provided with a white metal buckle, all as on standard sample.

*Buttonholes.*—Breeches of 35-inch waist measure, or less, to have four machine-worked buttonholes; those of 36-inch waist measure, or more, to have five machine-worked buttonholes equally spaced in the fly. To be worked over a No. 9 gimp and to be securely locked at ends with a bar-tack.

*Buttons.*—U. S. Army standard white metal; six suspender sewed on inside of waistband, and four or five fly buttons, according to the size of breeches. The buttons may be machine sewed, with not less than twenty-two stitches crossing the center, eleven each way, ends to be securely locked on under side.

*Hook-and-eye.*—Flat white metal hook-and-eye in middle of waistband, taped and fastened by machine stitching.

*Opening or slash in legs.*—To have a reenforce on outside, double stitched,  $\frac{1}{2}$  of an inch apart, with tongue on under side all stitched on as shown in the standard sample. The slash set with eyelets not more than  $\frac{1}{2}$  of an inch apart and not less than  $\frac{1}{2}$  nor more than  $\frac{3}{4}$  of an inch from the edge, slash to be closed by lacing.

*Eyelets.*—To be of brass, celluloid coated, of size and color shown in standard sample.

*Laces.*—To be of braided linen, not less than 54 inches in length, metal tipped, and of size, quality, and color shown in the standard sample.

*Tape.*—Tongues and bottom of legs bound half and half with  $\frac{1}{2}$ -inch tape, as shown in standard sample, color to match that of breeches.

*Reenforce, or saddle-piece.*—Seamed in center, open and stitched each side  $\frac{1}{8}$  of an inch, double-stitched to breeches  $\frac{1}{2}$  of an inch apart, seam on seam.

*Thread.*—For all seams and stitching to be of the best quality Sea Island cotton, equal in quality to Willimantic brand, color to match the material, fast dyed. For lock-stitch machine, No. 40, 6-cord for upper feed, and No. 36 6-cord for under feed; for union lock-stitch machine, No. 40 3-cord for upper and No. 60 3-cord for under feed. For sewing on buttons, No. 24; for buttonholes, No. 30. Seams and edges to contain not less than ten stitches to the inch.



*Size ticket and stamping.*—Each pair of breeches to have a printed ticket, giving size, waist, and length measurements, sewed on outside of waistband between the second and third belt loops on right side. Contractor's name and date of contract to be stamped on right-hand pocket in indelible ink.

To be like or equal to standard sample in workmanship and all points not covered in these specifications.

*NOTE.*—In the double stitching a variation of not more than  $\frac{1}{8}$  of an inch in the distances apart of the rows will be allowed.

*Table of sizes.*

Number.	Waist.	Length to garter.
	<i>Inches.</i>	<i>Inches.</i>
1, two lengths.....	30	26, 28
2, three lengths.....	31	25, 27, 29
3, three lengths.....	32	26, 28, 30
4, four lengths.....	33	25, 27, 29, 31
5, four lengths.....	34	26, 28, 30, 32
6, three lengths.....	35	25, 27, 29
7, three lengths.....	36	26, 28, 30
8, three lengths.....	37	27, 29, 31
9, three lengths.....	38	28, 28, 30
10, one length.....	39	27
11, one length.....	40	28
12, one length.....	41	27
13, one length.....	42	28

*Foot breeches.*—To conform to the above in all respects except that there will be no reinforce or saddle piece.

Adopted November 16, 1906, in lieu of specifications of September 26, 1904 (No. 697), which are canceled.

GEO. RUHLIN,  
Deputy Quartermaster-General, U. S. Army,  
Acting Quartermaster-General.

#### SPECIFICATIONS FOR OLIVE-DRAB WORSTED KERSEY, 16-OUNCE.

##### WAR DEPARTMENT, OFFICE OF THE QUARTERMASTER-GENERAL.

*Wool.*—For warp and filling: To be American, shorn from live sheep, free from kemp, of not lower grade than high half blood, staple to be of good character, sound, true, and well conditioned, possessing in addition all the necessary qualities to produce the hereinafter-described requirements. The admixture of wastes, reworked wools, vegetable fibers, or other impurities is prohibited. (Broken aliver from the combs and drawing frames made at the time this yarn is being manufactured not to be considered waste.)

*Color.*—To be a mixture of an olive-drab shade, as represented by the sealed standard sample. The various colors required to form this mixture may be dyed in the wool, slubbing, or top, as desired, and to be reasonably clean before mixing. The colors must be sufficiently fast to withstand milling, perspiration, and climatic influences, such as sunlight, air, and exposure incident to the military service.

*Tests.*—All deliveries shall be subjected to the following official tests, chemical and otherwise:

(a) Boiling for ten minutes in a solution composed of 80 grains of Ivory soap to one pint of water.

(b) Boiling for ten minutes in a solution containing 10 grains of dry carbonate of soda to one pint of water.

(c) To stand an exposure to the weather (roof test) for thirty days.

(d) Soak for twenty-four hours in lactic acid, specific gravity 1.21 U. S. P. Temperature about 70° F.

(e) Soak for twenty-four hours in a solution composed of 3 drams (avoirdupois) of citric acid to 2 fluid ounces of water. Temperature about 70° F.

To correctly judge results the specimens that have been subjected to the above acid tests must be washed with soap in warm water. In all these tests no greater changes of color must take place than would be shown under similar tests made on the sealed standard sample.

(The regulation size of the above samples shall be 6 by 4 inches. In making tests "d" and "e" the samples shall be placed in a tray or vessel of such a character that will allow them to lie flat within, so that they may be completely immersed in their respective solutions.)

*Width.*—To be not less than 54 nor more than 56 inches wide independent of selvages.

*Weave.*—To be a four harness, two-up and two-down weave, as in the sealed standard sample.

*Threads.*—Warp to contain not less than 3,780 ends of single worsted spun (combed) warp twist yarn.

*Filling.*—To contain not less than sixty-two picks of single worsted spun yarn per inch. Should an occasional piece (not more than one in ten of each delivery) be found to meet specification requirements in all other respects, but to count not lower than fifty-nine picks, it shall be acceptable.

*Weight.*—To weigh not less than 16 ounces per linear yard. Pieces weighing less than 16 ounces per linear yard shall be rejected, unless when subjected to a conditioned or dry-fiber test, the weight thus found with 11 per cent added (for normal regain of moisture allowable) will come up to or over 16 ounces. At the discretion of the contracting officer, pieces weighing 16 ounces and over may be conditioned, and if found to weigh less than 14.5 ounces when the weight becomes constant in the conditioning oven they shall be rejected.

*Strength.*—To be capable of sustaining a strain of 60 pounds to the inch warp-way and 55 pounds to the inch filling-way. The strength test to be made on a dynamometer, great care being exercised to see that the material is placed in the jaws of the same at exactly right angles to the opposite system of threads. Should an occasional piece on delivery (not more than one in ten), practically perfect in all other respects, show not more than 3 pounds less breaking strain in the warp, and not more than 2 pounds less breaking strain in the filling it shall be acceptable.

*Finish.*—To be well milled, thoroughly cleaned, free from crocking, moderately shorn, and like or equal in all respects of finish to the sealed standard sample.

Adopted October 31, 1906.]

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

**NOTE.**—Samples of wool (warp and filling) in the clean state, also samples of wools after properly mixed to produce shade (warp and filling), as well a skein of not less than 120 yards of each yarn (warp and filling) shall be delivered to the contracting officer with the first delivery of goods, and with each 5,000 yards.

#### SPECIFICATIONS FOR OLIVE-DRAB WORSTED KERSEY, 22-OUNCE.‡

##### WAR DEPARTMENT, OFFICE OF THE QUARTERMASTER-GENERAL.

*Wool.*—For warp and filling: To be American, shorn from live sheep, free from kemp, of not lower grade than high half blood; staple to be of good character, sound, true and well conditioned, possessing in addition all the necessary qualities to produce the hereinafter-described requirements. The admixture of wastes, reworked wools, vegetable fibers, or other impurities is prohibited. (Broken sliver from the combs and drawing frames made at the time this yarn is being manufactured not to be considered waste.)

*Color.*—To be a mixture of an olive-drab shade, as represented by the sealed standard sample. The various colors required to form this mixture may be dyed in the wool, slubbing, or top, as desired, and to be reasonably clean before mixing. The colors must be sufficiently fast to withstand milling, perspiration, and climatic influences, such as sunlight, air, and exposure incident to the military service.

*Tests.*—All deliveries shall be subjected to the following official tests, chemical and otherwise:

(a) Boiling for ten minutes in a solution composed of 80 grains of Ivory soap to 1 pint of water.

(b) Boiling for ten minutes in a solution containing 10 grains of dry carbonate of soda to 1 pint of water.

(c) To stand an exposure to the weather (roof test) for thirty days.

(d) Soak for twenty-four hours in lactic acid, specific gravity 1.21 U. S. P. Temperature about 70° F.

(e) Soak for twenty-four hours in a solution composed of 3 drams (avoirdupois) of citric acid to 2 fluid ounces of water. Temperature about 70° F.

To correctly judge results the specimens that have been subjected to the above acid tests must be washed with soap in warm water. In all these tests no greater

changes of color must take place than would be shown under similar tests made on the sealed standard sample.

(The regulation size of the above samples shall be 6 by 4 inches. In making tests "d" and "e" the samples shall be placed in a tray or vessel of such a character that will allow them to lie flat within, so that they may be completely immersed in their respective solutions.)

*Width.*—To be not less than 54 nor more than 56 inches wide, independent of selvages.

*Weave.*—To be four harness, two-up and two-down weave, as in the sealed standard sample.

*Threads.*—Warp to contain not less than 3,600 ends of single worsted spun (combed) warp twist yarn.

*Filling.*—To contain not less than 62 picks of single worsted spun yarn per inch. Should an occasional piece (not more than 1 in 10 of each delivery) be found to meet specification requirements in all other respects, but to count not lower than 58 picks, it shall be acceptable.

*Weight.*—To weigh not less than 22 ounces per linear yard. Pieces weighing less than 22 ounces per linear yard shall be rejected, unless when subjected to a conditioned or dry-fiber test the weight thus found with 11 per cent added (for normal regain of moisture allowable) will come up to or over 22 ounces. At the discretion of the contracting officer, pieces weighing 22 ounces and over may be conditioned, and if found to weigh less than 19.9 ounces when the weight becomes constant in the conditioning oven they shall be rejected.

*Strength.*—To be capable of sustaining a strain of 70 pounds to the inch warp-way and 70 pounds to the inch filling-way. The strength test to be made on a dynamometer, great care being exercised to see that the material is placed in the jaws of the same at exactly right angles to the opposite system of threads. Should an occasional piece on delivery (not more than 1 in 10), practically perfect in all other respects, show not more than 3 pounds less breaking strain in both warp and filling, it shall be acceptable.

*Finish.*—To be well milled, thoroughly cleansed, free from crocking, moderately shorn, and like or equal in all respects of finish to the sealed standard sample.

Adopted October 31, 1906.

C. F. HUMPHREY,

Quartermaster-General, U. S. Army.

NOTE.—Samples of wool (warp and filling) in the clean state, also samples of wools after properly mixed to produce shade, warp and filling, as well as a skein of not less than 120 yards of each yarn (warp and filling), shall be delivered to the contracting officer with the first delivery of goods, and with each 5,000 yards.

#### SPECIFICATIONS FOR OLIVE DRAB WORSTED SHIRTING FLANNEL.

##### WAR DEPARTMENT,

##### OFFICE OF THE QUARTERMASTER-GENERAL.

*Wool.*—For warp and filling: To be American, shorn from live sheep, free from kemp, of not lower grade than high one-half blood, staple to be of good character, sound, true and well conditioned, possessing in addition all the necessary properties to meet the hereinafter-described requirements. The admixture of wastes, reworked wools, vegetable fibers, or other impurities is prohibited. (Broken sliver from the combs and drawing frames made at the time this yarn is being manufactured not to be considered as waste.)

*Color.*—To be a mixture of an olive-drab shade, as represented by the sealed standard sample. The various colors required to form this mixture may be dyed in the wool, slubbing, or top, as preferred, but must be sufficiently fast to withstand milling, perspiration, and climatic influences, such as sunlight, air, and exposure incident to the military service.

*Tests.*—The following are the official tests, chemical and otherwise, which will be applied in the inspection:

(a) Boiling for ten minutes in a solution composed of 80 grains of Ivory soap to one pint of water.

(b) Boiling for ten minutes in a solution containing 10 grains of dry carbonate of soda to one pint of water.

(c) To stand an exposure to the weather (roof test) for thirty days.

(d) Soak for twenty-four hours in lactic acid, specific gravity 1.21 U. S. P. Temperature about 70° F.

(e) Soak for twenty-four hours in a solution composed of three drams (avoirdupois) of citric acid to two fluid ounces of water. Temperature about 70° F.

To correctly judge results the specimens that have been subjected to the above acid tests must be washed with soap in warm water. In all these tests no greater changes

of color must take place than would be shown under similar tests made on the sealed standard sample.

(The regulation size of the above samples shall be 6 by 4 inches. In making tests "d" and "e" the samples shall be placed in a tray or vessel of such a character that will allow them to lie flat within, so that they may be completely immersed in their respective solutions.)

*Width of fabric.*—To be not less than 54 nor over 56 inches wide independent of selvages.

*Weave.*—To be four harness twill, two-up and two-down.

*Threads.*—Warp to contain not less than 4,000 ends of single worsted spun (combed) wrap twist yarn.

*Filling.*—To contain not less than sixty-six picks of single worsted yarn per inch. Should an occasional piece (not more than one in ten) be found to meet specification requirements in all other respects, but to count not lower than sixty-three picks per inch, it shall be acceptable.

*Weight.*—To weigh not less than  $8\frac{1}{2}$  ounces per linear yard. Any pieces delivered showing less than  $8\frac{1}{2}$  ounces per linear yard shall be rejected, providing however, their conditioned or dry-fiber weight, with 11 per cent added for normal regain of moisture, shall then show  $8\frac{1}{2}$  ounces or over per linear yard. At the discretion of the contracting officer, goods weighing  $8\frac{1}{2}$  ounces and over may be conditioned, and if found when the weight becomes constant in the conditioning oven to weigh less than 7.7 ounces, they shall be rejected.

*Strength.*—To be capable of sustaining a tensile strain of 35 pounds per inch warp-way and a tensile strain of 30 pounds filling-way per inch. When an occasional piece (not over one in ten) practically perfect in all other respects, shall show not more than 2 pounds less breaking strain in the warp, and not more than 2 pounds less breaking strain in the filling, it shall be acceptable.

*Finish.*—The goods to be thoroughly clean, free from crocking, nap slightly raised, slightly shorn, well pressed, and to be like or equal in finish, as well as in all other respects, to the sealed standard sample.

Adopted October 31, 1906, in lieu of specifications of January 7, 1904 (No. 650), which are canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

NOTE.—A sample of clean wool, from which the flannel is manufactured, and a sample of wool after having been dyed to shade, as well as a skein of yarn of both warp and filling of not less than 120 yards, shall be delivered to the contracting officer with the first delivery of goods and with each subsequent 5,000 yards.

#### SPECIFICATIONS FOR 13-OUNCE OLIVE-DRAB WORSTED SERGE.

##### WAR DEPARTMENT, OFFICE OF THE QUARTERMASTER-GENERAL.

*Wool.*—For warp and filling: To be American, shorn from live sheep, free from kemp, of not lower grade than high one-half blood, staple to be of good character, sound, true, and well conditioned, possessing in addition all the necessary properties to meet the hereinafter-described requirements. The admixture of wastes, reworked wools, vegetable fibers, or other impurities is prohibited. (Broken sliver from the combs and drawing frames made at the time this yarn is being manufactured not to be considered as waste.)

*Color.*—To be a mixture of an olive-drab shade, as represented by the sealed standard sample. The various colors required to form this mixture may be dyed in the wool, slubbing, or top, as preferred, but must be sufficiently fast to withstand milling, perspiration, and climatic influences, such as sunlight, air, and exposure incident to the military service.

*Tests.*—The following are the official tests, chemical and otherwise, which will be applied in the inspection:

(a) Boiling for ten minutes in a solution composed of 80 grains of Ivory soap to 1 pint of water.

(b) Boiling for ten minutes in a solution containing 10 grains of dry carbonate of soda to 1 pint of water.

(c) To stand an exposure to the weather (roof test) for thirty days.

(d) Soak for twenty-four hours in lactic acid, specific gravity 1.21 U. S. P. Temperature about 70° F.

(e) Soak for twenty-four hours in a solution composed of 3 drams (avoirdupois) of citric acid to 2 fluid ounces of water. Temperature about 70° F.

To correctly judge results the specimens that have been subjected to the above acid tests must be washed with soap in warm water. In all these tests no greater changes of color must take place than would be shown under similar tests made on the sealed standard sample.

(The regulation size of the above samples shall be 6 by 4 inches. In making tests "d" and "e" the samples shall be placed in a tray or vessel of such a character that will allow them to lie flat within, so that they may be completely immersed in their respective solutions.)

*Width.*—To be not less than 54 nor more than 56 inches wide independent of selvages.

*Weave.*—To be four harness twill, two-up and two-down, as shown in the sealed standard sample.

*Threads.*—Warp to contain not less than 3,740 ends of single worsted spun (combed) warp twist yarn.

*Filling.*—To contain not less than fifty-five picks of single worsted yarn per inch. Should an occasional piece (not more than one in ten) be found to weigh up to specification requirements, but to count not lower than fifty-two picks, and be practically perfect in all other respects, it shall be acceptable.

*Weight.*—To weigh not less than 13 ounces per linear yard. Pieces weighing less than 13 ounces per linear yard shall be rejected, unless when subjected to a conditioned or dry-fiber test, the weight thus found with 11 per cent added (for normal regain of moisture allowable) will bring the weight up to or over 13 ounces. At the discretion of the contracting officer, pieces weighing 13 ounces per linear yard and over may be conditioned, and if found to weigh less than  $11\frac{1}{8}$  ounces shall be rejected.

*Strength.*—To be capable of sustaining a strain of 65 pounds to the inch warp-way and 52 pounds to the inch filling-way. The strength test to be made on a dynamometer, great care being exercised to see that the material is placed in the jaws at exactly right angles to the opposite system of threads. Should an occasional piece (not more than one in ten), practically perfect in all other respects, show not over 2 pounds less breaking strain in the warp and not more than 2 pounds less breaking strain in the filling it shall be acceptable.

*Finish.*—To be well milled, thoroughly cleansed, free from crocking, moderately shorn, well pressed, and to be like or equal in finish, as well as other respects, to the sealed standard sample.

Adopted October 31, 1906, in lieu of specifications of November 17, 1902 (No. 587), which are canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

NOTE.—A sample of clean wool, taken prior to mixing, also samples of wools after properly mixing to produce shade, as well as a skein of not less than 120 yards of each yarn (warp and filling) shall be delivered to the contracting officer with the first delivery of goods, and with each 5,000 yards delivered thereafter.

#### SPECIFICATIONS FOR DARK-BLUE UNIFORM COAT CLOTH, 17-OUNCE.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

*Wool.*—Warp and filling to be American wool, free from kemp, shorn from live sheep, of not lower grade than full blood, staple to be of good character, sound, true, and well conditioned, possessing all the necessary qualities to meet the hereinafter-described requirements of strength, as well as luster in finish. The admixture of wastes, re-worked wools, noils, shoddy, flocks, or other impurities is prohibited. (What is known as "card slubbing" and broken spool stock, made at the time the yarn is being manufactured, shall not be considered as waste.)

*Color.*—To be of the same shade of dark blue as the sealed standard sample, and to be dyed in the wool with pure vat indigo of the best quality, bottomed only with pure alizarine dyes, to an extent not in excess of 4 pounds to 100 pounds of clean wool, in the proportion of one part of pure alizarine red paste or powder to two parts of pure alizarine blue, mordanted with chrome. Burr or top dyeing not to be allowed. The following are the official chemical tests which the goods are expected to withstand in a degree equal to that of the sealed standard sample:

*Chemical tests.*—(1) When boiled for ten minutes in a solution of one part of muriatic acid (specific gravity 1.16) and four parts of water, the liquid should not be blue, but pink to purple, and the treated sample of cloth should remain blue.

(2) Spotted with cold concentrated muriatic acid (specific gravity 1.16) the color should remain, and not turn red or brown.

(3) When boiled for ten minutes with a 1 per cent solution of soda ash, no blue color should be extracted, and the liquor on being acidulated with muriatic acid should not become blue.

(4) When immersed in cold alcohol (95 per cent) for one hour, no color should be extracted.

(5) When boiled for ten minutes in alcohol (95 per cent), only a slight blue color at most should be extracted.

(6) When mixed with samples of white woolen and white cotton cloth and steeped for thirty minutes at 140° F. in a solution containing 1 gram of Ivory soap and 4 ounces of water, the soap liquor should not become tinted nor should any color bleed into either the white wool or white cotton.

(7) No crocking should be observed when rubbed on a piece of white calico.

*Width.*—To be 54 inches, and not over 56 inches wide, independent of selvages.

*Threads.*—Warp: To contain not less than 3,024 ends in warp.

Filling: To contain not less than 58 picks per inch. Should an occasional piece (not more than one of each ten delivered) be found to fill specification requirements in every other respect, but to count not lower than 56 picks to the inch, the cloth shall be accepted.

*Weave.*—To be a three-harness weave, two up and one down.

*Weight.*—To weigh not less than 17 ounces per linear yard. Cloth delivered weighing less than 17 ounces per linear yard shall be rejected, unless it shall be proven by a conditioned or dry-fiber test that the weight thus found with 11 per cent added (for normal regain in moisture) would carry the weight up to or over 17 ounces. At the discretion of the contracting officer goods weighing 17 ounces or over may be conditioned, and should the dry-fiber weight thus found prove less than 15.3 ounces per linear yard, such goods shall be rejected.

*Strength.*—To be capable of sustaining a breaking strain of 44 pounds to the inch warp ways and 40 pounds to the inch filling ways. Should an occasional piece, not over one in each ten delivered, practically perfect in all other respects, show not more than 3 pounds below specification requirements in breaking strain, either warp or filling, it shall be accepted. To insure an even strain on all sides great care must be exercised to be sure that the material is placed in the jaws at exactly right angles to the other system of threads.

*Finish.*—To be well milled and consistently firm, thoroughly clean, free from crocking, nap well raised, cropped, closely shorn, luster to be high and permanent, and to be like or equal in finish as well as all other respects to the sealed standard sample.

Adopted May 26, 1906, in lieu of specification of November 17, 1902 (No. 588), which are canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

NOTE.—A sample of clean wool from which the cloth is manufactured, a sample of wool after treatment with alizarine, a sample of wool after having been dyed to shade with pure indigo, as well as 120 yards of both warp and filling, shall be delivered to the contracting officer with the first delivery of cloth.

#### SPECIFICATIONS FOR 22-OUNCE SKY-BLUE KERSEY.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

*Wool.*—To be American wool, free from kemp, shorn from live sheep, of not lower grade than high one-half blood, staple to be of good character, sound, true, and well conditioned, and of sufficient length and strength to meet the hereinafter-described requirements. The admixture of wastes, shoddy, flocks, reworked wools, vegetable fibers, or other impurities, is prohibited. (What is known as "card slubbing" and broken-spool stock, made at the time the yarn is being manufactured, shall not be considered as waste.)

*Color.*—To be of shade of blue as represented by the sealed standard sample, dyed in the wool with pure vat indigo of the best quality, and must correspond with the following tests in a degree equal with that of the sealed standard sample.

(1) It must not crock when rubbed on or with white calico.

(2) When mixed with pieces of white woolen and white cotton cloth and steeped for one-half hour at 140° F. in a solution containing 1 gram of Ivory soap and 4 ounces of water the color must not bleed into the soapy liquor nor into either the white wool or the white cotton.

(3) When boiled for ten minutes in a solution of one part of muriatic acid (specific gravity 1.16) and four parts of water no color should be extracted and the fiber should remain blue.

(4) When boiled for ten minutes in a 1 per cent solution of soda ash, the liquid should not become colored and the fiber should remain blue; and, furthermore, when the liquid is acidulated with muriatic acid no blue color should appear.

(5) When spotted with concentrated nitric acid, the spot should be of a bright pure yellow color with a green rim.

(6) When boiled for ten minutes with a solution containing ten cubic centimeters of muriatic acid (specific gravity 1.16), forty parts of water, and 1 gram of stannous chloride crystals, the fibers should be decolorized and the liquid becomes a deep yellow.

(7) When boiled with alcohol (95 per cent), only a faint blue color at most should be extracted.

*Width of fabric.*—To be not less than 54 inches nor more than 56 inches independent of selvages.

*Threads.*—Warp to contain not less than 2,700 threads in the warp; filling to contain not less than fifty-five picks per inch. Should an occasional piece (not more than one in ten of each delivery) be found to meet specification requirements in other respects, but to count not lower than fifty-three picks to the inch, the cloth shall be acceptable.

*Weave.*—To be a four-harness twill, two up and two down.

*Weight.*—To weigh not less than 22 ounces nor more than 24 ounces per linear yard. Cloth delivered weighing less than 22 ounces per linear yard shall be rejected unless it shall be proven by a conditioned or dry fiber test that the weight thus found with 11 per cent added (for normal regain in moisture allowable) would carry the weight up to or over 22 ounces. At the discretion of the contracting officer cloths weighing 22 ounces and over may be conditioned, and should the dry fiber weight thus found prove less than 19.9 ounces per linear yard such goods shall be rejected.

*Strength.*—To sustain a tensile strength of not less than 65 pounds warp ways, and not less than 60 pounds filling ways per inch. Should an occasional piece, not more than one in ten of each delivery, practically perfect in all other respects, show not more than 3 pounds below specification requirements in breaking strain, either warp or filling, the cloth shall be accepted. To insure an even strain on all threads, great care must be exercised to be sure that the material is placed in the jaws of the dynamometer at exactly right angles to the opposite system of threads.

*Finish.*—To have the same degree and character of finish as represented by the sealed standard sample; to be free from top dressing or speck dye; to be well milled, producing a firm cloth as represented by the sealed standard sample.

Adopted May 28, 1906, in lieu of specifications of August 29, 1902 (No. 581), which are canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

**NOTE.**—A sample of clean wool, from which the cloth is manufactured, and samples of the wool after having been dyed to shade with pure indigo, as well as a skein of at least 120 yards of both warp and filling, shall be delivered to the contracting officer with the first delivery of cloth, and with each 5,000 yards delivered thereafter.

#### SPECIFICATIONS FOR UNIFORM KHAKI CLOTH.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

*Material.*—To be made from the best high-grade long staple American cotton, evenly spun and free from waste, shives, and other impurities.

*Weave.*—To be of what is known as a 4-harness twill weave, three up and one down (1—), twill running to the left.

*Construction.*—Warp to be made from single 13's yarn, with sufficient twist to produce a good smooth round thread. Filling yarn to be spun in single 20's and doubled, having proper twist in both single and double yarn to produce a strong and yet pliable thread. To contain not less than one hundred and six threads per inch in the warp, and not less than fifty-four picks of the 2-ply yarn in the filling in the gray or unfinished state, or approximating one hundred and twelve threads in the warp and fifty-two threads in the filling in the finished state. The twills to be round and full and contain not less than twenty-eight ribs or twills per inch in the finished fabric.

*Workmanship.*—The cloth to be woven in a workmanlike manner, free from imperfections, also free from starches, sizings, and other foreign substances when finished.

*Strength.*—To sustain a tensile strength of not less than 125 pounds to the inch in the warp and not less than 80 pounds to the inch in the filling.

*Width.*—To be full 28 inches wide when finished.

*Weight.*—To be not less than 7½ nor more than 8 ounces to the linear yard.

*Color.*—To be khaki shade, as shown in the sealed standard sample, fast to laundering, perspiration, and climatic influences, such as sunlight, air, and exposure incident to the military service.

The following are the official tests, chemical and otherwise, viz:

Boiling for ten minutes in a solution of soap (80 grains of ordinary laundry soap to 1 pint of water).

Boiling ten minutes in a solution of soda (20 grains of carbonated soda, pure dried, to one pint of water).

Steeping twenty-four hours in lactic acid, sp. gr. 1.21, U. S. P.

Steeping twenty-four hours in a solution of citric acid, made by using 3 drams of citric acid to 2 fluid ounces of cold water.

*Finish.*—The cloth to be soft, pliable, smooth, and free from lint streaks, and other imperfections due to dye, weave, and finish.

To be like or equal to the sealed standard sample in all respects.

Adopted May 23, 1907, in lieu of specifications of February 8, 1906 (No. 793), which are hereby canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

#### SPECIFICATIONS FOR OLIVE DRAB FACING CLOTH (FOR CHEVRONS).

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

*Wool.*—To be pure long staple American fleece wool, of not lower grade than high three-quarters to full blood, free from kemp, card waste, shoddy, flocks, reworked wool, or other impurities.

*Width.*—To be not less than 54 inches wide, independent of selvages.

*Threads.*—To contain about 62 threads to the inch of warp and about 60 threads to the inch of filling.

*Weight.*—To weigh not less than 16 ounces nor more than 17 ounces to the linear yard.

*Strength.*—To be capable of sustaining a strain of not less than 30 pounds to the inch of warp and not less than 25 pounds to the inch of filling.

*Weave.*—To be a plain weave (one up and one down).

*Color.*—To be of the olive drab shade represented by the standard sample, dyed in the wool; color to be fast and to withstand without material change the following tests: Boiling for ten minutes in a solution composed of 80 grains of ordinary laundry soap to one pint of water; boiling ten minutes in a solution containing 10 grains of dry carbonate of soda to one pint of water; an exposure to the weather (roof test) for thirty days; steeping twenty-four hours in lactic acid, specific gravity 1.21 U. S. P.; steeping twenty-four hours in a solution composed of 3 drams of citric acid to 2 fluid ounces of cold water. To correctly judge results, the specimens that have been subject to the above acid and weather tests must be washed with soap in warm water.

*Finish.*—To be well felted, perfectly clean, free from crocking, evenly shorn, and thoroughly pressed.

*Workmanship.*—Finish and points not specified to conform in all particulars to the standard sample.

Adopted December 16, 1904.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

#### SPECIFICATIONS FOR DARK-BLUE CLOTH FOR DRESS CAPS.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

*Wool.*—To be pure, long staple American fleece wool, of not lower grade than high three-quarters blood, free from kemp, card waste, shoddy, flocks, reworked wool, or other impurities.

*Width.*—To be not less than 54 inches wide, exclusive of selva.

*Threads.*—To contain not less than 56 threads to the inch of warp and not less than 64 threads to the inch of filling.

*Weight.*—To weigh not less than 16 nor more than 17 ounces to the linear yard.



**Strength.**—To be capable of sustaining a strain of not less than 45 pounds to the inch of warp, and 43 pounds to the inch of filling.

**Color.**—To be of the same shade of dark blue as the standard sample, and to be dyed in the wool with pure indigo of the best quality, bottomed only with alizarine red W. B. paste to an extent not in excess of  $1\frac{1}{2}$  pounds to 100 pounds of clean wool, with usual mordant. Burr or top dyeing not allowed.

**Weave.**—To be a three-harness twill, two warp threads on face to one on back.

**Finish.**—To be well milled, nap well raised, cropped, closely shorn, luster to be high and permanent, free from crocking, and to be like and equal in finish, as well as in all other respects, to the sealed standard sample.

A sample of clean wool from which the cloth is manufactured, a sample of the wool after treatment with alizarine, and a sample of the wool after having been dyed to shade with pure indigo, to be delivered to the contracting officer with the first delivery.

Adopted June 27, 1905, in lieu of specifications of February 6, 1902 (No. 564), which are canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

**SPECIFICATIONS FOR BLACK CALFSKIN DRESS SHOES (MACHINE SEWED),  
BLUCHER STYLE, COMMERCIAL MEASUREMENTS, STANDARD LASTS.**

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

**Lasts and patterns.**—All shoes to be made on Government standard lasts and cut by Government standard patterns on file at the office of the contracting officers.

**Materials.**—Vamps to be cut from the best black chrome-tanned calfskins of uniform thickness and quality, not to exceed 15 square feet each. The entire vamp to be cut in one piece only and in such a way as to bring the seam at the back of heel, running perpendicularly, and joined by a welt stitched on the inner side, supported on the inner side by a narrow strip of drilling about one-half inch wide, through which the stitching is made, as shown in the standard sample.

**Quarters or tops.**—To be cut from the best quality kangaroo calf, boarded and well finished, not to exceed 15 square feet to each skin. To be cut from whole skins. No side leather to be used; it is strictly prohibited.

**Tongues.**—"Bellows tongue" to be  $8\frac{1}{2}$  inches wide at top; to be cut from the same quality of leather as the tops, and to be crimped, so as to fold back on each side of foot, as shown in the standard sample. The tongue to extend to the edge of quarter and used as a stay for the eyelets and lacing studs; to be stitched at the edge through the quarter with one row of B silk and two extra rows three-quarters of an inch from the edge through the tongue and quarter. The tongue to be stitched to the vamp through the lining with two rows of D silk after being inserted between the vamp and vamp lining, as shown in the standard sample.

**Toe caps and box toes.**—The toe cap to be cut from fine firm stock, same quality as the vamp, and to have one row of holes punched same as in standard sample; to be stitched with four rows of D silk, two rows above the holes and two rows below the holes. A sole-leather box with the grain on to be inserted between the vamp and toe cap, to be thoroughly cemented before lasting. The toe cap, vamp, box, and lining to extend to the end of shoe and all lasted in together. The length of the toe cap on a No. 8 "C" shoe to be 3 inches when finished.

**Vamps.**—The vamps for sizes 5 and 6 must be cut from the lighter skins; those for sizes 7, 8, and 9 from skins of medium weight, and for sizes 10, 11, and 12 from skins of heavy weight.

**Tops and quarters** to be stitched up the back on the inner side, supported on the inner side by a narrow strip of cotton tape about one-half inch wide, to stand a warp strain of not less than 50 pounds and a filling strain of not less than 15 pounds to the one-half inch, and stitched on each side of seam with two rows of D silk, one row of stitching passing through inside back stay, as shown in standard sample.

**Side and upper linings.**—The side linings to be cut from same quality of leather as the vamps. The upper linings to be cut from best drilling, "Monogram" brand or equal, counting not less than 80 threads in the warp and 38 threads in the filling, and to sustain a tensile strength of not less than 100 pounds to the inch in the warp, and not less than 90 pounds in the filling, 36 inches wide, and weighing not less than 11 ounces to the linear yard, as free from sizing at practicable. No paste allowed. Rubber cement must be used where necessary.

The vamp lining to be cut in one piece and crimped.

Counter to be of oak-tanned sole leather.

**Wells.**—To be of best oak-tanned welt leather, one-half inch wide by one-eighth inch thick.

**Shank pieces.**—Of oak-tanned sole leather of good substance and shape.

**Bottom fillings.**—To be of calfskin; no cowhide, kip, or split leather to be used; rubber cemented to the bottom. To be cut in one piece, but of sufficient quantity to accomplish the purpose for which required.

**Insoles.**—To be cut from the best quality of oak bends, scoured, shaved, and carried, gauging full eight forty-eighths of an inch in thickness, or a No. 3 substance, Snell & Atherton's U. S. Quartermaster's Department standard gauge, for all sizes, when prepared for use.

**Back stays.**—To be of best quality pure chrome-tanned bleached calfskin, free from oil or grease, as shown in standard sample.

**Outsoles and heel lifts.**—To be cut from the best oak-tanned, plump Texas hides, weighing not more than 28 pounds to the side, nor less than 22 pounds.

**Top pieces.**—To be cut from plump backs of the best quality hemlock-tanned sole leather. No shoulders, heads, bellies, or flanks to be used.

**Nails.**—To be of the best quality Swede iron and American iron, as hereinafter specified.

**Sizes.**—To run from 5 to 12, inclusive, and to be of letters "C," "D," "E," "EE," and "F" widths; this includes half sizes.

**Measurements.**—For a No. 8 last, letter "C," to be as follows: Across the heel,  $2\frac{1}{8}$  inches; across the ball,  $3\frac{1}{8}$  inches; length of last through the longest part on the size stick,  $11\frac{1}{8}$  inches; height of the toe, seven-eighths of an inch; width through ball,  $3\frac{1}{8}$  inches; thickness of last at little toe, 1 inch; thickness of last through center,  $1\frac{1}{8}$  inches. All other sizes and widths to be in regular proportion to the above.

The instep and ball to measure as follows:

Last.	5.	5½.	6.	6½.	7.	7½.	8.	8½.	9.	9½.	10.	10½.	11.	11½.	12.	
	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	
Letter "C".....	8	8½	8½	8½	8½	8½	9	9½	9½	9½	9½	9½	9½	10	10½	Instep.
Letter "D".....	7	8	8½	8½	8½	9	9½	9½	9½	9½	9½	9½	10	10½	10½	Ball.
Letter "E".....	8	8½	8½	8½	8½	9	9½	9½	9½	9½	9½	9½	10	10½	10½	Instep.
Letter "EE".....	8	8½	8½	8½	8½	9	9½	9½	9½	9½	9½	9½	10	10½	10½	Ball.
Letter "F".....	9	9½	9½	9½	9½	9½	10	10½	10½	10½	10½	10½	10½	10½	10½	Instep.
	8	9	9½	9½	9½	9½	9½	9½	9½	9½	10	10½	10½	10½	10½	Ball.

The measurements of shoes when finished (based on No. 8 "C") to be as follows:

	Heel.	Instep.	Ball or toe.	Height of back at rear.	Heel.				Width of sole of ball.	Width of shank.
					Length.	Width.	Across the breast.	Height.		
	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.	Inches.
No. 8 "C".....	13	9½	8½	5½	3	2½	2½	1	3½	2½
No. 8 "D".....	13½	9½	8½	5½	3	2½	2½	1	3½	2½
No. 8 "E".....	13½	9½	9½	5½	3	2½	2½	1	3½	2½
No. 8 "EE".....	13½	9½	9½	5½	3	2½	2½	1	3½	2½
No. 8 "F".....	14	10½	9½	6½	3	2½	2½	1	4	2½

Height of quarter at rear to increase one-eighth inch on each size above No. 8, and to decrease one-eighth inch below. The length of vamp to decrease one-eighth inch on each size below No. 8, and to increase one-eighth inch on all sizes above No. 8. The width of sole and shank to decrease one-twelfth inch on all sizes below No. 8 and to increase one-twelfth inch on all sizes above No. 8. The length, width, and width across breast of heel to decrease one-sixteenth inch on all sizes below No. 8, and to increase one-sixteenth inch on all sizes above No. 8.

The length of heel must be measured from the center of the breast, after being "breasted," in a straight line to the center of back of heel. All heels to be 1 inch high.

**Finished shoes.**—Shoes when finished, measurements to be as follows: On a No. 8 shoe, vamp to be about 6 inches long and from the front of quarter on a straight line with the end of quarter about  $4\frac{1}{8}$  inches to the toe of shoe. The height from top of

shoe in a vertical line to the breast of heel to be 6 inches. The back of shoe from the top to heel seat to be 5½ inches.

A variation of three-sixteenths of an inch will be allowed in height of shoes front and rear.

*Workmanship and finish.*—The vamps and quarters to be stitched with best standard D silk, sustaining a tensile strength of not less than 12 pounds, and best quality W. B., three-cord linen thread No. 60, about fourteen stitches to the inch. The beading of quarters and all top stitching to be with standard B silk and No. 70 three-cord linen thread, about sixteen stitches to the inch. Three rows of stitching on quarter passing through the tongue, and four rows of stitching passing through the quarter, vamp, and lining. Also four extra half rows at the tabs through the vamp, quarter, tongue, and lining, as shown in the standard sample. The quarter lining to lap the vamp lining and to be stitched together with one row of linen thread.

The side lining to be neatly skived with half-inch lap over the counter, and to extend to the toe cap as shown in the standard sample.

Width of calf back stay at heel seat to be about 3 inches, top about 1 inch, and the length about 5 inches, at the top of which is securely fastened a pull strap of strong ½-inch tubular mercerized cotton webbing for the purpose of pulling on the shoe, as shown in standard sample. The pull strap to be inserted in such a manner as to leave a perfectly smooth back stay without wrinkles.

The length of side lining for a No. 8 shoe to be about 7 inches and the width about 1½ inches, tapering off to a point of about three-quarters inch at toe cap.

The counter in a No. 8 shoe to be about 9½ inches long, and to increase in length one-quarter inch from Nos. 8 to 12, and to decrease one-quarter inch from 8 to 5. Also to increase one-sixteenth inch in height on each size from "C" to "F."

All shoes to have three lacing studs on each side, of celluloid top, and all shoes sizes 5 to 8 to have 5 eyelets of celluloid top on each side below the studs and one above; sizes 9 to 12 to have six below and one above. All studs to be made of brass, like sample shown in standard.

*Lasting.*—The shoes must be pulled over at the toe and heel by hand. Chase or Copeland's machines, or equal, may then be used to finish the lasting, so as to carefully wipe or crimp the toe and heel into place. The shoe across the ball and through shank must be finished by hand lasting. The side lining should be about 7 inches long, 1½ inches wide, properly skived, and cemented to vamp with best quality rubber cement; the upper must be securely fastened to the insole by the welt, sewed with ten-cord best shoe thread, thoroughly waxed, not less than 3½ stitches to the inch, sewed by the Goodyear welt machine, or equal; the oak shank piece to be shaped and properly skived to fit the shank space and extend back under the heel five-eighths of an inch, this also to be securely cemented with best rubber cement, avoiding the use of pegs or ordinary paste. The top piece to be properly evened and rolled, gauging ten forty-eighths of an inch in thickness or a No. 5 substance, Snell & Atherton's U. S. Quartermaster's Department standard gauge, for all sizes, when prepared for use.

*Outsoles.*—The outsoles to be cut from backs of sides. No shoulders, heads, bellies, or flanks to be used. The soles to be cut from the backs while an inspector is present, who will take charge of all soles cut and see them rolled with the proper amount of pressure. Any sole that gauges ten forty-eighths of an inch in thickness or No. 5 substance, U. S. Quartermaster's Department standard gauge or over, after being properly rolled, to be acceptable for all sizes. Cemented and laid with the Goodyear sole-laying machine, or equal, and rounded on the Universal rough-rounder, or equal.

The outsoles to be stitched with the Goodyear lock-stitching machine, or equal, with the best nine-cord stitching-thread, about eight stitches to the inch, soles not grooved; soles properly leveled. The heel seats to be securely nailed with loose nailing machines, and the heel secured by the use of the McKay and Bigelow machine, or equal, with No. 14 Swede iron nails, 1½ inches long, three to the inch, with two additional at breast to secure the shank piece. The top piece to be slugged with steel wire, letter P, or No. 125, five-eighths of an inch in length, eighty slugs to the heel, fifty in the outside row, and twenty-five in an additional half row on the inner side of the outside row and five at breast of heel. To be slugged by the Universal machine or equal. This applies to a No. 8 size shoe, in which there should be not less than 80 or more than 85 slugs to the heel; on a No. 7 shoe 70 to 75 slugs, or an allowance of 10 slugs to each full size.

The heels to be properly trimmed, finished, and burnished. The edges to be trimmed square, set with hot irons, made solid and smooth, rounded on inner edge of shank only.

The sock lining to be of russet sheep, bark tanned, of good quality.

Each pair of shoes to be furnished with a pair of black tubular cotton lacings, 36 inches in length, with brass spiral tag at each end, of the pattern "Paragon Imitation

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LACK CALFSKIN DRESS SHOES.  
(Blucher style.)

Porpoise" laces or equal. The die to be a fast color. The laces to stand a strength test of not less than 60 pounds.

The shoes must be properly mated as to uniformity of substance and be constructed in accordance with standard sample.

Each pair of shoes to be properly treed and rubbed down with stone before applying a thin dressing.

Bottoms of all shoes to be thoroughly cleaned and polished, as shown in standard sample.

Each pair of shoes to be packed in a strong pasteboard carton.

The length and width of shoes to be marked on bottom and lining in letters "C," "D," "E," "EE," and "F" widths, according to commercial measurements, as embodied in these specifications.

Adopted April 26, 1906, in lieu of specification of January 6, 1906 (No. 789), which are hereby canceled.

C. F. HUMPHREY,  
Quartermaster-General, U. S. Army.

NOTE.—Any question arising as to the alleged differences between these specifications and standard samples must be submitted to the Quartermaster-General, U. S. Army, for his decision.

#### WAR DEPARTMENT, OFFICE OF THE QUARTERMASTER-GENERAL.

##### SPECIFICATIONS FOR RUSSET SHOES.

*Lasts and patterns.*—All shoes to be made and finished on Government standard lasts and cut by Government standard patterns on file at the office of the contracting officer.

*Materials.*—Russet chrome-tanned grain calf, conforming to that contained in standard sample, no flanky or inferior leather to be used.

*Vamps.*—Vamps to be cut from the best plump hides not to exceed 15 square feet or less than 11 square feet to each hide, of uniform thickness and quality. The entire vamp to be cut in one piece only, and in such a way as to bring the seam at the inner side of the heel, running perpendicularly, joined by a welt, stitched on the inner side and supported by drilling,  $\frac{1}{2}$  inch wide, cut parallel with the warp, or by cotton tape,  $\frac{1}{2}$  inch wide, stitched on each side with one row of "D" silk. The tape to stand a strain of not less than 50 pounds in the warp and 15 pounds in the filling to the  $\frac{1}{2}$  inch. The vamps for sizes 5 and 6 must be cut from the lighter skins, those from sizes 7, 8, and 9, from skins of medium weight, and for sizes 10, 11, and 12, from skins of heavy weight, all vamps to be crimped.

*Tops.*—The tops or quarters to be cut from the same quality of leather as the vamps. To be stitched up the back with one row of "D" silk and supported by  $\frac{1}{4}$ -inch cotton tape, of same quality as above, stitched through the quarter with one row of "D" silk.

*Tongues.*—To be not less than  $2\frac{1}{4}$  inches wide at top, cut from same material as vamp, to be split to the thickness shown in the standard sample. Stitched to the vamp through the lining with two rows of "D" silk after being inserted between the vamp and vamp lining as shown in standard sample.

*Toe caps.*—The toe caps to be cut from the same quality of leather as the vamp, to have one row of holes punched and to be stitched with four rows of "D" silk, as shown in the standard sample. The toe cap, vamp, and lining to extend to the end of the shoe and all lasted in together.

*Linings.*—The upper linings to be cut from the best quality drilling (Monogram brand), or equal, counting not less than 76 threads in the warp, and 38 threads in the filling, and to sustain a tensile strength of not less than 100 pounds in the warp and not less than 90 pounds to the inch in the filling, and weigh not less than 11 ounces to the linear yard, 36 inches wide, as free of sizing as practicable. The quarter lining to lap the vamp lining and to be stitched together with one row of linen thread. Vamp lining to be crimped. All as shown in the standard sample.

*Backstays.*—To be of the best quality chrome-tanned bleached calfskin. Width at heel seat 3 inches, at top 1 inch, and to extend to top of shoe, after being well lasted under. At the top is securely fastened a pull strap of strong,  $\frac{1}{2}$ -inch mercerized tubular brown cotton webbing, inserted in such a manner as to leave a perfectly smooth backstay. All as shown in the standard sample.

*Lace stays.*—To be best quality chrome-tanned bleached calfskin, 1 inch in width at the top, shaped and stitched to quarter as shown in standard sample.

**Back straps.**—The back straps of same quality of leather as the vamps. To cover the back seam from the top of shoe to  $\frac{1}{2}$  inch under the vamp, to be 1 inch wide at the vamp, shaped as shown in standard sample. Stitched with two rows of "D" silk through the quarters.

**Side linings.**—The side linings to be cut from chrome-tanned russet calfskin.

**Counters.**—To be of oak-tanned sole leather and inserted as shown in standard sample. No molded counters to be used.

**Wells.**—To be of best oak-tanned welt leather,  $\frac{1}{8}$  inch wide by  $\frac{1}{4}$  inch thick.

**Shank pieces.**—Of oak-tanned sole leather of good substance and shape.

**Bottom fillings.**—To be of upper leather; rubber cemented to the bottom. To be cut in one piece, but of sufficient quantity to accomplish the purpose for which required.

**Insoles.**—To be cut from the best quality oak bends, scoured, shaved, curried, gauging for all sizes when prepared for use, full  $\frac{1}{8}$  of an inch in thickness, or a No. 3 United States Quartermaster's Department standard gauge.

**Outsoles and heel lifts.**—To be cut from the best oak-tanned plump Texas hides, weighing not more than 28 pounds to the side nor less than 22 pounds. Scoured soles not allowed.

**Toppieces.**—To be cut from plump backs of the best quality hemlock-tanned sole leather. No shoulders, heads, bellies, or flanks to be used.

**Nails.**—To be of best quality Swede iron and American iron as hereinafter specified.

**Sizes.**—To run from 5 to 12 including  $\frac{1}{2}$  sizes, and to be of letters "C," "D," "E," "EE," and "F" widths.

**Measurements.**—Measurements of a No. 8 last, letter "C," to be as follows: Across the heel,  $2\frac{3}{8}$  inches; across the ball,  $3\frac{1}{8}$  inches; length of last through the longest part on the size stick,  $11\frac{1}{2}$  inches; height of the toe,  $\frac{1}{2}$  of an inch; width through ball,  $3\frac{1}{2}$  inches; thickness of last through center,  $1\frac{1}{8}$  inches; thickness of last at little toe,  $\frac{1}{2}$  of an inch. All other lengths and widths to be in regular proportion to the above.

The instep and ball to measure as follows:

Last.	5.	5½.	6.	6½.	7.	7½.	8.	8½.	9.	9½.	10.	10½.	11.	11½.	12.	
	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	
Letter "C"	8½	8¾	8¾	9	9¼	9¼	9½	9½	9¾	9¾	10	10¼	10¼	10½	10½	Instep.
	8	8¼	8¼	8½	8½	8½	8¾	8¾	9	9¼	9¼	9½	9½	9¾	9¾	Ball.
Letter "D"	8½	9	9¼	9¼	9½	9½	9¾	9¾	9¾	10	10½	10½	10¾	10¾	10¾	Instep.
	8¼	8½	8½	8¾	8¾	8¾	9	9¼	9¼	9½	9½	9¾	9¾	9¾	9¾	Ball.
Letter "E"	9¼	9¼	9½	9½	9¾	9¾	9¾	10	10¼	10¼	10½	10½	10¾	10¾	10¾	Instep.
	8¾	8¾	8¾	8¾	9	9¼	9¼	9½	9½	9¾	9¾	9¾	10	10¼	10¼	Ball.
Letter "EE"	9¼	9¼	9½	9½	9¾	9¾	10	10¼	10¼	10½	10½	10¾	10¾	10¾	10¾	Instep.
	8¾	8¾	9	9¼	9¼	9½	9½	9¾	9¾	9¾	10	10¼	10¼	10½	10½	Ball.
Letter "F"	9¼	9¼	9½	9½	9¾	9¾	10	10¼	10¼	10½	10½	10¾	10¾	10¾	10¾	Instep.
	9	9¼	9¼	9½	9½	9¾	9¾	9¾	10	10¼	10¼	10½	10½	10¾	10¾	Ball.

The measurements of shoes when finished (based on No. 8 "C") to be as follows:

	Heel.		Instep.	Ball or toe.	Length of—			Height of top or quarter.		Heel.			Width of—	
	In.	In.			Toe cap.	Vamp.	Counter.	At back.	At side in line with breast of heel.	Length.	Width.	Across the breast.	Height.	Sole or ball.
C.....	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.	In.
D.....	13	9	8	2	6	6	9	5	6	3	2	2	1	4
E.....	13	9	9	2	6	6	9	5	6	3	2	2	1	4
EE.....	13	9	9	2	6	6	9	5	6	3	2	2	1	4
F.....	14	10	10	2	6	6	9	5	7	3	2	2	1	4

The above measurements to differ for each size as follows, viz: Heel, instep, ball or toe,  $\frac{1}{4}$  of an inch. Toe cap, vamp, height of quarter at back and side,  $\frac{1}{4}$  of an inch.

Heel, length, width, and across the breast,  $\frac{1}{8}$  of an inch. Width of sole at ball and shank,  $\frac{1}{8}$  of an inch. Length of counter,  $\frac{1}{4}$  of an inch. The length of the heel must be measured from the center of the breast, after being breasted, to the center of the back of the heel. Height of quarter at the side to be measured from the top of the quarter to the upper side of sole in a vertical line with the breast of the heel. A variation of  $\frac{1}{8}$  of an inch will be permitted in all the above measurements except those of the heel and sole, in which a variation of  $\frac{1}{4}$  of an inch is permissible, provided that in the same measurements in the two shoes of a pair there shall not be a greater difference than  $\frac{1}{8}$  of an inch.

*Workmanship and finish.*—The vamp and quarters and all top stitching to be with best standard "D" silk, sustaining a tensile strength of not less than twelve pounds, and best quality W. B. three-cord linen thread, No. 60, about fourteen stitches to the inch. Three rows of stitching on quarter passing through the lace stay and four rows of stitching passing through the quarter and vamp. Four extra half rows at the tabs through the vamp, quarter, tongue, and lining, all as shown in the standard sample. The side lining to be neatly skived and of such length as to lap over counter at least  $\frac{1}{2}$  inch and to extend to the toe cap. To be about  $1\frac{1}{2}$  inches in width, tapering off to a point about  $\frac{1}{2}$  inch wide at the toe cap. Rubber cemented to the vamp.

Shoes sizes 5 to 8, inclusive, to have six eyelets on each side with celluloid tops. Sizes 9 to 12, inclusive, to have seven eyelets on each side. The eyelets to be not less than  $\frac{1}{4}$  of an inch inside diameter, as shown in the standard sample.

*Lasting.*—The shoes must be pulled over at the toe and heel by hand. Chase or Copeland's machines, or equal, may then be used to finish the lasting, so as to carefully wipe or crimp the toe and heel into place. The shoe across the ball and through shank must be finished by hand lasting. The upper must be securely fastened to the insole by the welt, sewed with 10-cord best shoe thread, thoroughly waxed, not less than three and one-half stitches to the inch, sewed by the Goodyear welt machine, or equal; the oak shank piece to be shaped and properly skived to fit the shank space and extend back under the heel  $\frac{1}{4}$  of an inch, to be securely cemented with best rubber cement, avoiding the use of pegs or ordinary paste. The top piece to be properly evened and rolled, gauging for all sizes when prepared for use  $\frac{1}{4}$  of an inch in thickness or a No. 5 substance, Snell & Atherton's United States Quartermaster's Department standard gauge.

*Outsoles.*—The outsoles to be cut from the backs while an inspector is present, who will take charge of and see them rolled with the proper pressure, no shoulders, heads, bellies, or flanks to be used. Any sole that gauges  $\frac{1}{4}$  of an inch in thickness, or a No. 5 United States Quartermaster's Department standard gauge or over, after being properly skived and rolled, to be acceptable for all sizes. Cemented and laid with the Goodyear sole-laying machine, or equal, and rounded on the Universal rough rounder, or equal.

The outsoles to be stitched with the Goodyear lock-stitching machine, or equal, with the best nine-cord stitching thread, about 8 stitches to the inch, soles to be properly leveled. The heel seat to be securely nailed with loose nailing machines, and the heel secured by the use of the McKay & Bigelow machine, or equal, with No. 14 Swede iron nails,  $1\frac{1}{2}$  inches long, 3 to the inch, with 2 additional at breast to secure the shank piece. The top piece to be slugged with steel wire, letter P or No. 125,  $\frac{1}{4}$  of an inch in length, not less than 7 slugs to the inch. To have not less than 10 slugs in the inner row and not less than 5 at breast. All as shown in the sealed standard sample. To be slugged with the Universal machine, or equal.

The heels to be properly trimmed, finished, and burnished. The edges to be trimmed square, with the exception of the inside shank, which is to be rounded, set up twice with hot irons, made solid and smooth. The sock lining to be of russet sheep, bark tanned, of good quality, well secured in place with either rubber cement or fish glue.

Each pair of shoes to be furnished with a pair of tubular cotton laces not less than 32 inches in length, with metal tip at each end. Laces to stand a strength strain of not less than 120 pounds; to be of brown, of shade shown in the sealed standard sample, the dye to be fast.

The shoes must be of uniform color, each pair properly mated as to uniformity of substance, and to be constructed in accordance with the standard sample.

Each pair of shoes to be properly treed and cleaned. No injurious substance or artificial coloring matter to be used.

Bottoms of all shoes to be thoroughly cleaned and polished, as shown in the standard sample.

Each pair of shoes to be packed in a strong pasteboard carton.



The length and width of shoes to be marked on bottom and lining, as shown in the standard sample.

Adopted January 31, 1908, in lieu of specifications of April 25, 1906 (No. 809), April 28, 1906 (Nos. 810, 811, and 813), October 31, 1906 (No. 840), and February 18, 1907 (No. 851), which are canceled.

**NOTE.**—Any question arising as to alleged differences between these specifications and standard samples must be submitted to the Quartermaster-General, U. S. Army, for his decision.

The contractor to furnish the contracting officer with the first delivery of shoes, and from time to time thereafter, when called upon, samples of all threads used, the cotton tape, and vamp lining. Name of contractor and date of contract to be stamped on inside of quarter near top of each shoe, using only the best indelible ink.

J. B. ALESHIRE,  
Quartermaster-General, U. S. Army.

#### SPECIFICATIONS FOR DRESS COATS.

WAR DEPARTMENT,  
OFFICE OF THE QUARTERMASTER-GENERAL.

**Materials.**—To be made of 17-ounce dark-blue cloth, black lasting, black and drab silesia, black padding, buckram, tape, cord-edge braid, buttons, collar clasps, gray padding, shoulder pads, hooks and eyes, sewing silk, silk twist, and linen thread; each to be of the army standard grade or as in the standard sample dress coat.

**Pattern.**—A single-breasted six-button sack coat, to have side bodies, seam in back, vents in under-arm seams, standing collar, shoulder straps, coat hanger, cuffs on sleeves, and one inside breast pocket. An allowance of one-quarter of an inch is made for all seams. All patterns will be furnished by the Quartermaster's Department. Piecing, skimping, or altering of patterns in any way whatsoever is strictly prohibited.

**Collar.**—To be well stiffened by an interlining of buckram; corners slightly rounded, to be closed by means of two black japanned hooks and eyes, securely fastened into the interlining of the collar. On the inner surface of the collar to be placed three collar clasps properly spaced and securely fastened to the interlining of the collar. To have a hanger stitched on at center of back. All as shown in the standard sample.

**Shoulder straps.**—To be of two thicknesses of the same material as the body of the coat; to have a neatly worked buttonhole of proper size; to be stiffened with one thickness of French canvas for the full length, reinforced midway by two additional pieces; to be placed on and stitched to the coat, as shown in the standard sample.

**Pockets.**—To have one inside breast pocket, made of black silesia, placed in the left side with a perpendicular opening, the opening beginning on a line about opposite the center of the space between the second and third buttonholes from the top, neatly faced with black lasting and securely tacked at the corners; to be stayed by a row of stitching through the lining. All as shown in the standard sample.

**Sleeves.**—To be so placed as to set properly, the fullness of sleeve head to be well pressed in; to be lined with drab silesia; finished with cuffs and cord-edge braid; the turn up of cuffs to be securely fastened to the sleeve proper; the sleeve linings to be either hand felled or machine stitched securely and neatly at the cuffs and arm scyes; the outside seams of sleeve lining to be fastened to the outside seam of sleeve; the arm scye to be stayed with tape from the shoulder to the under-arm seam; gray felt padding is to be stitched to the lining at back of arm scye from the shoulder to the under-arm seam; made-up shoulder pads are to be placed in the shoulders in proper position. All as shown in the standard sample.

**Edges.**—The front edges to be stayed with tape and stitched, the bottom to be double stitched. All as shown in the standard sample.

**Buttonholes.**—The coat to have 8 buttonholes. Large buttonholes to be worked over double gimp No. 9; small holes to be worked over single gimp No. 9; all as closely worked as those shown in the standard sample. Buttonholes to be neatly and securely bar-tacked, the bar-tacking to be a separate operation from that of the working of the buttonhole.

**Facings.**—To be of the same material as the body of the coat, placed on and stitched as shown in the standard sample. The fore parts to be well worked in and securely stayed with tape. All as shown in the standard sample.

**Cord-edge braid.**—The collar, shoulder straps, and cuffs to be finished with cord-edge braid, color according to the arm of the service. All as shown in the standard sample.



IMPROVED MARCHING SHOES.







DRESS COAT FOR ENLISTED MEN.

**Black padding.**—Cut either with or without V's on the front edges and to extend from shoulder seam to the bottom of coat, reenforced with two thicknesses of black silesia, placed on with four rows of stitching. All as shown in the standard sample.

**Buttons.**—Gilt United States army standard (except that the name of the manufacturer of the coat should be stamped on the back, instead of the name of the manufacturer of the button). Six coat, large, securely sewn on with linen thread and ends fastened off, 8 coat, small, 3 in each cuff, securely fastened by strips of silesia and stitching, and 1 on each shoulder, securely sewn on with linen thread. All as shown in the standard sample.

**Hooks and eyes.**—Two black japanned hooks and eyes at collar and one hook properly placed on left fore part with silk loop on right fore part. All as shown in the standard sample.

**Silk thread.**—Black silk thread to be used for all stitching and buttonholes. Letter "A" for machine stitching, and "B" for buttonholes. Size of silk for buttonholes and stitching may vary according to machines used.

In every case standard buttonholes and stitchings required.

**Lining.**—To be of black lasting; pleated in center of back; turned up and left open all around bottom; with a reenforcement of 17-ounce dark-blue cloth, of proper size and shape, stitched on below arm scye. All as shown in the standard sample.

**Workmanship and finish.**—The coat to be clean, well made, and pressed in a workmanlike manner; to show no raw edges outside, nor defective stitching in any part of the garment. To be like or equal to the standard sample in all particulars.

**Marking and size tickets.**—To have sewed on each coat, inside the lining near bottom of right skirt, a piece of standard label cloth, showing the name of the contractor, date of contract, and depot, in indelible ink, with a blank space at bottom for the inspector's name. Each coat also to have attached to the collar a printed ticket showing size and breast measure.

Measures to fit the following sizes (18), viz:

*Schedule of measurements.*

Size.	Breast.	Waist.	Length.	Length of sleeve.	Collar at bottom.
	Inches.	Inches.	Inches.	Inches.	Inches.
1 regular.....	33	29	26	29	15
2 regular.....	34	30	26	29	15
3 regular.....	35	31	26	30	16
3 $\frac{1}{2}$ long.....	35	30	27	31	16
4 regular.....	36	32	27	30	16
4 $\frac{1}{2}$ stout.....	36	34	26	30	17
4 $\frac{1}{2}$ long.....	36	31	28	32	16
5 regular.....	37	33	27	31	17
5 $\frac{1}{2}$ stout.....	37	35	27	30	17
5 $\frac{1}{2}$ long.....	37	32	28	32	17
6 regular.....	38	34	28	31	17
6 $\frac{1}{2}$ stout.....	38	36	27	31	18
6 $\frac{1}{2}$ long.....	38	33	29	33	17
7 regular.....	40	36	29	32	18
7 $\frac{1}{2}$ stout.....	40	38	28	31	18
7 $\frac{1}{2}$ long.....	40	35	30	33	18
8 regular.....	42	39	29	32	19
9 regular.....	44	41	30	33	19

NOTE.—A variation of  $\frac{1}{2}$  inch in length of coat and sleeve and not to exceed  $\frac{1}{2}$  inch (in excess) in the collar will be permitted in the above measurements.

Adopted July 2, 1907, in lieu of specifications of April 6, 1906 (No. 802), which are canceled.

GEORGE RUHLEN,  
Deputy Quartermaster-General, U. S. Army,  
Acting Quartermaster-General.

Mr. PAYSON. Now, I think, Mr. Chairman and gentlemen, that I will not burden the record with any more of these exhibits. What I have said is illustrated, as I understand, by the purchasing agents in the entire field of contracts for these two great Departments. That is all I care to put in this morning.

The CHAIRMAN. Then what is next? Is there somebody here to be heard in opposition to the bill?

Mr. FLETCHER. Yes, sir.

**STATEMENT OF MR. WILLIAM H. FLETCHER, OF HOBOKEN, N. J.**

Mr. FLETCHER. Mr. Chairman and gentlemen, I come here as the representative of the New York and New Jersey branch of the Metal Trades Association. I also come as a representative of my own concern, William H. Fletcher & Co.. We are in the business of contracting for steam vessels, and more particularly for engines and other equipment and motive power. I also appear before this committee as an individual and as a workingman. I do not want to appear here to be in opposition to labor. That is not my purpose. I am speaking for labor because I believe that in myself I represent honest labor, because I do labor and have done so for many years, and I believe I am talking for the best interests of the men in my employ.

I am opposed to the bill on the general principle that it is an interference on the part of the Government with a private contract. I am opposed to the bill in that it is a class discrimination. In other words, it discriminates against one class of labor in favor of another. If the argument that I have heard here to-day—and I have heard both sides of it, both from the chairman and the gentleman representing the Newport News Shipbuilding Company—if that argument, as I have heard it, is correct, and the construction of the chairman is correct, that this does not apply to such things as can be bought in the open market, I contend that it is not fair to discriminate against the mechanic in favor of the seamstress, or the other way, that it is not fair to discriminate against the seamstress in favor of the mechanic. I do not think that is fair and just. If all men are equal before the law, all men should be equally protected by the law. If one class of labor is to be benefited by legislation, it is only fair and right and proper that all labor should be benefited by legislation.

Now, I claim that this particular bill, if I understand the wording of it, is intended to produce an eight-hour workday generally. I am inclined somewhat to agree with the chairman in the expression of his opinion, that this clause which refers to the exceptions or exemptions of certain parts that might be bought in the open market might be construed, if so desired, to exempt certain classes of materials used by the Government. Of course it is open to both constructions. It will produce discussion and difference, and must do so for a long time, until something definite is decided on that particular question. But I am inclined to think that it can be so construed, and probably will be so construed at the start, and I also believe that the intent of the law, the intent of those who are in favor of it, is eventually to produce the eight-hour day which Mr. Gompers desires, which no doubt will be all right, and which I will welcome myself, when the proper time comes and the conditions of the business warrant it. But I claim it is a discrimination against the shipbuilding interests of this country more than any other interest you can name to-day; and when you are discriminating against that business you are discriminating against a business that is almost on its last legs. The shipbuilding plants throughout this country, taken as a whole, are not in what might be called a prosperous condition by any means. There is nothing to encourage the building of the merchant marine or merchant vessels of any kind, either by subsidy or by the demands of business.

We are told, those of us who are in the business, that the reason why vessels are not built in this country is because they cost too much. That is true. They do cost a great deal more here than elsewhere, and therefore the interest on the cost, the interest on the amount of money involved in the business, is so great that the income is not sufficient to warrant the running of American lines, and therefore our commerce is turned over to our foreign competitors. If that is the case, if that is a true statement, then it is because of the high cost of labor, which enters as an element of production as high as 90 per cent, to put it mildly, of what goes into the steamship. I am considering this from the shipbuilding standpoint. We may buy a manufactured plate from the Carnegie Steel Company. To us it is a piece of raw material, but it is a finished product with the Carnegie Steel Company. We may buy a forging from the Bethlehem Steel Company. It is our raw material, but it is to them a finished product. Our purpose is to gather from these various points and plants the products of the various manufacturers and to proceed with the fabrication; to gather these things together and to produce a ship. Therefore I think I am perfectly safe in stating that from our standpoint at least 90 per cent of the cost is labor. Then, if the cost of the vessel is too great, it must be because of one of two things: Either that the employers themselves or the workmen themselves, who work for them, are not sufficiently skilled artisans in the trade to produce their product in competition with others more skilled, or else because the amount paid to labor is in excess of what is paid by our competitors, and therefore the cost is too great.

Now there is something—what that something is you gentlemen can perhaps define better than I can—that is killing and stopping the construction of steamboats and vessels in this country to-day, except on the Great Lakes, and there the situation is governed by a different condition; I might also add the great rivers, like the Mississippi. But for the coastwise trade and the trans-Atlantic trade, the trade with foreign countries, there is something that stops the building and the maintenance of vessels, and we are told that it is the cost to produce them. Be that as it may, the fact exists that we do not get the vessels to build; we do not get the orders, the contracts, to build them.

If you will canvass the shipyards in this country to-day you will find, I think, that a majority of them are busy with Government work, and are occupied very little on commercial work just at the present moment. I presume that the larger shipyards—I can not state this as a positive fact, but it is my belief—the large shipyards, such as that at Newport News and perhaps the Union Iron Works, when it was running, and the Bath Iron Works, in Maine—of them it is safe to say that at least 60 per cent of their work on hand to-day is Government work, and a straggling percentage of commercial work.

That, of course, might be used as an argument in favor of this bill. It might be said as an argument in favor of this bill that it will add to the cost of the vessels. I do not think it will be disputed that it will add something to the cost of production.

Mr. HOLDER. If that is so, how does it come that the capital invested in shipbuilding interests has almost doubled in the last five years?



Mr. FLETCHER. I will come to that in a moment. Everything I have said here, gentlemen, you can almost see, yourselves, by riding in the cars between New York and Washington. I do not think the manufacturer or builder of the vessel should care materially, unless the thing were sprung upon him by a contract. I do not understand that it could be done now by the Government, because that would be retroactive. Anything that tends to increase the cost of production tends to decrease the amount of production within certain limits. There is a question now as to how many battle ships the Government will build. I think now the Atlantic coast is almost unprotected. But I think the tendency of this bill would be to decrease even on the part of the Government the amount of work which it would do.

This bill is particularly bad, because it is impossible, I believe, and impracticable at least, to try to work in the same shop or the same yard with the same class of mechanics eight hours on one branch of the work and for the same wages, or any wages, I might say, and nine hours on the other side of the question, on commercial work. If we are not building ships to-day because the cost of ships is too great, would it be a good business proposition, considered from the standpoint either of the employer or the employee, for one to operate against his own business? If we can keep our shipyards full of work and keep our men busy, we are perfectly content. It is immaterial to us, as business men, provided we can get the business, whether the hours are seven, or eight, or nine, or ten; preferably the shorter hours. But we appear here in opposition to the bill—at least I appear in opposition to it, and I am honest in my expression against this bill—because I believe that the conditions of the business I am in do not warrant a shorter hour or anything else that would tend to increase the expense of producing vessels. I think that is something that is open to investigation. I think it is a true statement, or I would not make it; and therefore I oppose the bill, because, if it is passed and the shorter hours in Government work are entered upon in the private plants, it will destroy the organization and it will destroy the harmony that should exist in the organization; and we contend, in addition to that, that the business conditions do not warrant the enforcement of the eight-hour law.

I contend that the hours of labor can be helped by these gentlemen who represent labor and be helped by you gentlemen who represent the people at large by legislation if you will follow the natural lines of evolution and the natural laws that govern business. If you work in opposition to those laws, you can pass the legislation, undoubtedly, but the question is, Can you produce the work? Is it not almost the same to attempt to oppose a business law as it would be to attempt to oppose a natural law? For example, we may legislate to the effect that crops shall grow twice a year in this section of the world, but we know they will not grow twice a year here, because that would be in opposition to natural law. I believe that the time is not ripe in the particular business that I am in to do anything that will add in any way to the cost of the construction of a vessel.

The question of hours, so far as I can see it, to the employer is no different from what it is to the employee. I should be very glad of shorter hours, but I do not see how I can grant them and do business, and therefore I oppose that thing, while I would gladly welcome it otherwise, if it were practicable and could be done.

Mr. DAVENPORT. When you speak of an eight-hour day, do you speak of a rigid eight-hour day, or a standard day?

Mr. FLETCHER. I mean any length of day, sir, that tends to increase the cost of our production to-day will operate against the people of the United States whose labors enter into that construction.

Mr. DAVENPORT. When you say you are in favor of an eight-hour day, you mean eight hours as a standard?

Mr. FLETCHER. I mean an eight-hour day in the sense that we have a nine-hour day now. I do not believe in this bill being prohibitive, to limit the work to eight hours if we choose to work longer. That is not fair. It is in restraint of trade. It is in restraint of the output of labor. It is to limit the output of a plant. Our money is in the business, and we can not take it out. Now, if you were to enact this bill, the Government would come along and, in effect, say "You can not do more than so much with your plant." That would be practically taking money away from us.

These gentlemen who deal with laboring men know that laboring men like overtime. That is my experience of thirty years. If they do not get their share of it, there is trouble. They will flock to those shops where there is the most overtime; that is, to the repair shops and the dry docks.

Now another difficulty presents itself. There are times—like those last year, or the eighteen months past, 1906 and 1907, up until this depression that has come upon us began—there are times when our yards are pretty busy. During that time the shipyards generally were fairly busy. I do not mean to say they were crowded with work, but as a class all sorts of manufacturing plants were busy, so that there was a great demand for tool hands—men that run lathes, and planers, and machines of various kinds. We had some work under way, two turbine steamers, the *Yale* and the *Harvard*, that we wanted to get finished. It was a new business, and we tried to organize a double shift of men, because we wanted to finish the boats in time to have them running that season, which they did not do because we did not get them finished, and because we wanted to produce as much as we could with our plant in a given time. That effort failed; we failed in that because we could not find enough skilled tool hands.

The way we met that condition and got the boats floating early in September, instead of on the 1st of July, was by working what we called a "day and a half," and we did that for many months. We paid our men two or three hours longer, and they got a half day's pay for the extra time, and in that way we increased the output of our plant. I was satisfied to do it, and we did do it. It was a particular kind of work that we were on, and we could not very well introduce two sets of men. One man in one shift might spoil some work and lay it on the other. The conditions were such that it was beneficial to us and to the men to have them work this extra half day. Now, if that had been Government work and we had been under the heavy demurrage which the Government exacts in all its contracts that I know of for failure to make prompt delivery, it would have been difficult. You know, in many of the Government specifications it is said that particular attention will be paid to the time of delivery. In other words, time is a consideration in addition to the price; the time when you deliver the goods. I have a specification here to-day

with that very clause in it. Now, if our plant is limited in its production, then you are going to add to your fixed charges, because we produce just so many thousand dollars' worth of work less per year at the same fixed charges, and it would have the effect virtually of increasing the fixed charges on what we do produce. By this bill you would limit the production or earning capacity of the men who work for us. You would make it impossible for them to work overtime, no matter how much benefit they would get from it for themselves and for the use of their families. Therefore in that respect it would be wrong, because it is a discrimination against the earning power of the individual, whether he be employer or employee, and it is limiting the amount of production of the capital invested.

I hardly know what else I can say, gentlemen, in regard to this bill.

Mr. GOMPERS. Mr. Chairman, have I the permission of the committee to ask Mr. Fletcher a question?

Mr. PAYSON. Before you begin your side I would like to ask Mr. Fletcher a question.

The CHAIRMAN. Very well. You will have opportunity, Mr. Gompers, when your time comes.

Mr. PAYSON. Mr. Fletcher, how many men have you?

Mr. FLETCHER. We have employed now only 150 men. We have had, during the period to which I have referred, 600 men.

Mr. PAYSON. What is the character of the cooperation between the employers and the men as to the hours of labor and the compensation they have been getting there? Are the relations pleasant or otherwise?

Mr. FLETCHER. They are pleasant.

Mr. PAYSON. There is no friction about working more than eight hours a day?

Mr. FLETCHER. There is no trouble.

In our business there is another peculiar thing, showing how particular conditions of business and localities govern these things. In the harbor of New York we work nine hours. That is a day's work. We work eight hours on repair vessels. That reduction came a few years ago from ten hours to nine hours. At many competitive points on the Atlantic seaboard I should judge, from statements which I see made in these books, that they work ten hours, as, for example, at Cramps. Now, Cramps are only 90 miles away from us, and they pay less wages. You can see from that, gentlemen, the peculiar condition of the trade I represent.

Now, I started out to answer a question here a few minutes ago about the conditions of the shipyards and plants. Neafie & Levy's plant is, or was, in the hands of a receiver. Harlan & Hollingsworth's plant I know is not busy. It was dull for a long time. I noticed also Pusey & Jones's plant as I came down on the cars, and from the condition of things on the stocks I conclude there is nothing much doing there.

Mr. RAINEY. How large a plant is that?

Mr. FLETCHER. It is quite a large plant. Pusey & Jones, and Jackson & Sharpe, and—

Mr. HOLDER. There are peculiar conditions down there in Wilmington, are there not?

Mr. FLETCHER. That condition was in existence for some years. It was so in 1906 and 1907. We happened to be busy in our plant for an exceptional reason, but——

Mr. HOLDER. When Harlan & Hollingsworth, at Wilmington, was existing on its own individual basis, the same as W. H. Fletcher & Co., at Hoboken, you had a live competitor, and the work turned out from that yard was considered to be work of a high standard. Since the ownership of that yard is changed, however, the work has deteriorated and decreased, and therefore your comparison, in my opinion, is hardly fair.

Mr. FLETCHER. Harlan & Hollingsworth's place changed hands. Mr. Gause and the others sold out their interests to the shipbuilding trust. The shipbuilding trust, as we all know, was a failure.

Mr. HOLDER. It put them all "on the bum."

Mr. FLETCHER. It was taken over by Mr. Schwab, who is one of the owners, but that has not taken Harlan & Hollingsworth out of the market.

Mr. HOLDER. It has reduced their standard of work.

Mr. FLETCHER. I do not know that that is so. I would not say so, even if I knew it to be a fact. It is not good policy to talk that way about your competitors. It is not good business judgment. But Harlan & Hollingsworth have built a number of boats for the harbor of New York, ferryboats, and the result has been that there is a plant with a certain corps working in it, and certain fixed charges that are going on every day and every night, and therefore they have bid low, far lower than you might say the actual cost was, because whatever they can get back on those fixed charges is a reduction of the loss which they are obliged to incur, and that is their measure of profit at the present time. You understand what I mean?

Mr. HOLDER. Yes, sir.

Mr. FLETCHER. Now, I am not sure whether the Harlan & Hollingsworth Company built any ferryboats for the municipal ferry of New York or not. I know they did build some ferryboats for the Erie Railroad and also for the Jersey Central Railroad. That is the class of work that we particularly do, and they have been competitors with us, and they have come in with lower bids than we could take; and people who have patronized them heretofore have gone back to them again and given them orders, and that disproves the statement you make to the effect that they do not do good work. But, taking the shipbuilding industry as a whole, excluding the Great Lakes—that is an inland sea; it is a thing by itself—on the Atlantic coast you know, if you know anything about the subject at all, that there is almost no commercial shipping to-day. Just think of the United States Government and the peculiar position it was in when it wanted to get colliers recently to furnish our battle ships with coal.

Mr. HOLDER. You have not answered that question I put to you, Mr. Fletcher.

Mr. FLETCHER. What was that?

Mr. HOLDER. That was, that if the business has become so utterly demoralized as you and other shipbuilders have testified, why is it that the capital invested in the business has almost doubled in five

years, according to the statement of the Commissioner of Navigation in an official document that has been quoted from here?

Mr. FLETCHER. I do not know that I can answer that except by saying this, that people have been led to put money into the shipbuilding business either by misconception on their own part or on account of misinformation from others. The Fore River Shipbuilding Company was established with capital furnished by a man, I think, who made his money out of the typewriter business. He made his money in that business and put his money into the Fore River Shipbuilding Company, and then went out of it practically a pauper.

Mr. PAYSON. That was Mr. Watson.

Mr. FLETCHER. That plant could not live to-day if it did not get Government work. The plant which this gentleman [referring to Judge Payson] represents at Newport News could not possibly live without Government work. The Cramp Shipbuilding Company would close its doors without Government work, and I do not believe the Bath Iron Works in Maine, which is a smaller concern comparatively, would find its business worth running if they did not get Government contracts.

Mr. HOLDER. Are you not working on Government work?

Mr. FLETCHER. I think possibly on only one contract. I am down here to try to get a contract that I fear I can not get. It is the second time I have done so, and it is absolutely because we have no other work to do. Under ordinary conditions we prefer not to work for the Government.

Mr. EMERY. You stated a moment ago something as to the number of men you employ individually, and you said you appear here in a representative capacity. Can you state the number of men employed by the associations you represent?

Mr. FLETCHER. No, sir. I pay very little attention to the associations. I was asked to come down here, and I felt it was a subject upon which anyone who had any knowledge on it, however slight, would be welcome to come down here and make known his views to those who are here to legislate on that particular thing.

But I might say this: When I speak of our own plant and the number of men that we individually employ, that does not represent the number of men that are indirectly employed through us. For instance, we contract for a vessel complete. We submit that contract to some shipbuilder, and then the contract for the journey work, the plumbing, we contract for with some journeyman individually, and the work is done and brought to our works, and there the journey work, the painting and plumbing, is done. To-day we have two vessels on which the work is stopped because of the financial condition, and one is about to be launched, and, inasmuch as there were about a thousand men busy in the various parts of the work on those two vessels, that has thrown a good many men out of employment. The work has been stopped because the money can not be raised to go on with it. That is due to lack of ability to raise money, and construction has stopped for the moment.

Mr. EMERY. Have you noticed that if this bill should become a law you would become a guarantor not only on all work done by you, but on all work done by your subcontractors, for the observance of the terms of the law?

Mr. FLETCHER. I meant to mention that. I spoke about our using the products of the various mills simply as raw material. I want to say right here that we would be in a great predicament if we took a Government contract under the eight-hour law and it should be ruled that that should apply to a product of the United States Steel Corporation. For instance, as to bar iron we might be exempt under the provision on the ground that it was purchasable in the open market, but we probably would not be on the castings that we have made. That would cause at least confusion and doubt, and I fear it would be construed that they did not come within the exemption of the law, and we might be compelled to guarantee that the United States Steel Corporation should only work eight hours while they were rolling our plates, and the chances would be that we might not be able to buy the plates unless the Government would be willing to relieve us, and it has never shown itself a very easy taskmaster.

Mr. GOMPERS. Would you have any objection to stating whether you employ a smaller number of men now than you did six months ago?

Mr. FLETCHER. Oh, we do. I have stated that we have now only about 150 men, whereas six or eight months ago we had 600 men.

Mr. GOMPERS. In the first part of your statement to the committee you objected to the passage of this bill, and one of the grounds you gave was that it was a discrimination against one class of employers in favor of another.

Mr. FLETCHER. Yes.

Mr. GOMPERS. Would you please state in whose favor such a bill, if enacted into law, would discriminate?

Mr. FLETCHER. Yes, sir. If, as the chairman has said, the army coat is exempt because it can be purchased in the open market, that exempts the seamstress who might work twelve or fourteen or even eighteen hours, whereas the law would prohibit a machinist or a blacksmith or any other artisan in the employ of a shipbuilder from working more than eight hours under any conditions. It would allow the man who did any part of the work in the fabrication of a button, for instance, to work as much as he liked, whereas it would prohibit the pattern maker from working more than eight hours.

Mr. GOMPERS. Then your idea would be that the man who would work twelve, fourteen, or sixteen hours a day would be placed in a favored position?

Mr. FLETCHER. In other words, he could work longer and make more money out of his labor than if he worked a lesser number of hours.

Mr. GOMPERS. Did you not say that if the eight-hour day was established the employer might have demanded of him or be required to pay the same wages as he now pays for nine or ten hours?

Mr. FLETCHER. That has been history, sir, and that is why I make the statement. When we reduced the hours—you know when it was better than I do, eight or ten or twelve years ago—from ten to nine, we paid the same wages.

Mr. GOMPERS. Would not that indicate, then, that the wages would not necessarily be reduced if the hours of labor were reduced?

Mr. FLETCHER. Yes, sir.

Mr. GOMPERS. Where is the discrimination, then, in favor of the man who works longer hours?

Mr. FLETCHER. It is just here. Let me call your attention to another fact. Last year when we thought it would be expedient from a business standpoint to run our plant half a day extra, and at night, these men worked and got a half a day's extra pay at the higher wages, and they were willing to do it and wanted to do it, and in one week they earned more money than they could possibly have earned if this law had passed.

Mr. GOMPERS. Did you not say that you worked your employees two or three hours overtime, giving them a half a day?

Mr. FLETCHER. Yes; a certain number of hours. That is something I do not deal with directly. It is done by the clerk. There is an established agreement between the men and the employer that if they work a certain number of hours overtime they get a half a day for it, and if another certain number of hours, I think it is a half a day, I believe it is a little bit better than that.

Mr. GOMPERS. With whom did you make that agreement?

Mr. FLETCHER. It was an understood thing before the labor organizations appeared in our business, and then eventually our different trade organizations were organized, and the agreement was made with the representatives of the men, and then when those conditions changed again and our plant became a sort of an open-shop affair, which it is now, neither one thing nor another, where there are no questions asked as to whether men are union men or whether they are not, the conditions changed again. We have not changed, though. Men in business, I believe, are most desirous to have stability in all things, both of labor and material. Anything that makes stability of prices makes good business conditions. If I came down here to-day and contracted with the United States Government to produce a boat which would take me a year to do, it would certainly be a great source of satisfaction and comfort to me if I knew that the labor was going to remain the same and the price of the various things I have to use was going to remain the same.

Mr. GOMPERS. The regulation of hours of labor to which you made reference was nine hours being the rule on new work and eight hours on repair work?

Mr. FLETCHER. Yes; that is in New York Harbor.

Mr. GOMPERS. Was that agreement not reached between the men in your line of business and in other machinery trades in and around New York?

Mr. FLETCHER. No; I will tell you——

Mr. GOMPERS. With the representatives of the organizations of the employees?

Mr. FLETCHER. Yes; it was—the nine hours, not the eight hours.

Mr. GOMPERS. The eight hours on the repair work?

Mr. FLETCHER. The eight hours on the repair work has been in vogue for many years.

Mr. GOMPERS. Yes.

Mr. FLETCHER. For some years; I am not prepared to state how long.

Mr. GOMPERS. Was it not in 1901?

Mr. FLETCHER. I think it was in 1901 we went to the nine hours.

Mr. GOMPERS. And eight hours on the repair work?

Mr. FLETCHER. Possibly; I will not dispute that fact. An agreement was made with the labor organizations; but I want to say something in connection with that agreement which will call your attention

to another point. At that particular time we stated to the representatives of the labor organizations that we were awfully handicapped in the hours as we had them and the wages as we had them, and therefore that they ought to try and shorten the hours or increase the wages or do something at the competitive points we had on the Atlantic seaboard.

MR. GOMPERS. In other words, you wanted them to act in restraint of trade?

MR. FLETCHER. To that extent—when they restrained us. We were under the thumb, you understand, at that time. When a man is under the thumb he will do a great deal to get out sometimes. We stated we thought it would be only fair when we represented them in getting work—and we do represent the men and they represent us; we are part and parcel of each other and we can not get away from that—for them to do this at the competitive points, and they agreed to do that, but it has not been done yet.

MR. GOMPERS. Not due to any fault of their desire?

MR. FLETCHER. Not at all, sir.

MR. GOMPERS. Referring to the cost of building vessels, as well as the competency of the men and their skill, and so forth, some few years ago Mr. Cramp testified before this committee that in competition with French shipyards—that is, for the construction of naval vessels for the Russian Government—the French shipbuilders insisted that they would require five years in the construction of the vessels, and Mr. Cramp, for his company, testified that they bid for and did complete vessels within two and a half years, or, using his own words, “within thirty months.”

MR. FLETCHER. Yes, sir.

MR. GOMPERS. Is it not true that we have in our country as competent, skillful workmen, and that we can build, and do build, as good vessels according to the specifications that may be laid down by the Government representatives, and that we can build them as fast as or faster; that new methods of construction, new devices, and new tools have made the possibility of constructing as fast as or faster than even Mr. Cramp testified?

MR. FLETCHER. There is no question but what we have as good labor in that line of business as they have in any country. There is no question in the world but what we can produce as good vessels as Great Britain. I would not, if I was making comparison with any shipbuilding industry, compare with France, but with Great Britain.

MR. GOMPERS. I was speaking of this particular circumstance. Mr. Cramp made that statement voluntarily to the committee.

MR. FLETCHER. Just to show you why I would not, if you take this largest vessel, the *Dreadnought*, which you have noticed was constructed in thirteen months, I believe, one of the largest vessels ever constructed, I doubt if that could be done in this country.

MR. GOMPERS. We have not had the chance to build a *Dreadnought*.

MR. FLETCHER. We are building turbines, but we have not had a chance to build a *Dreadnought*; but I question it, because the shipyards of England are larger, and they are turning out a larger amount of work, and the business is perhaps a little further advanced in its magnitude, not in its quality. I think that the vessels we have turned out in this country, in their speed and fighting powers and all that, in view of the criticism that has been given of them from the naval



powers and other shipbuilders, and so on, are a very fair illustration of what we can do.

Mr. GOMPERS. But if we manifested the enterprise or the desire to build large vessels—that is, if we built ample docks and had ample facilities—we could do so, if we only desired to?

Mr. FLETCHER. We have the facilities to build a *Dreadnought* to-day. I think you will find that the Government has either under contract or in contemplation a ship larger than the *Dreadnought*, and we have the ways upon which to set her and the tools with which to turn her out, and the plants to produce the armor plate, and all that. We need nothing more.

Mr. GOMPERS. The reason I mentioned this statement of Mr. Cramp was simply to call attention to the further fact that the workmen in the shipyards of France work a longer day than do the men in the American shipyards.

Mr. FLETCHER. That is so with Great Britain also, is it not?

Mr. GOMPERS. No, sir; it is not.

Mr. FLETCHER. It is not so?

Mr. GOMPERS. No, sir; it is not so.

Mr. FLETCHER. In Great Britain they work only the same hours that we do?

Mr. GOMPERS. Or less.

Mr. FLETCHER. Or less?

Mr. GOMPERS. Yes.

Mr. FLETCHER. I am asking only for information about Great Britain, or France either, for that matter.

Mr. GOMPERS. You said that you were in favor of a shorter work-day.

Mr. FLETCHER. Certainly.

Mr. GOMPERS. But when the proper time would come?

Mr. FLETCHER. Yes.

Mr. GOMPERS. Would you care to express an opinion as to when that proper time would be?

Mr. FLETCHER. That is a very difficult question to ask a man to answer. If we judge the future by the past, we will find that the evolution has been in favor of shorter hours. Back in the lifetime of some of these gentlemen here it was the habit on the coast of Maine, where the vessels were built then, to work from sunrise to almost moonset, and the evolution has been gradually to decrease those hours. It has come in a natural course. But if it proceeds too fast, if it makes the cost too great, it will make a paralysis in the business until the conditions can catch up. This is a thing which does not permit of much argument. It is a fact, and it is that which makes those who employ labor hesitate, and it is that which makes those who have money invested in their plants hesitate. When these things stand still, they gnaw into the vitals. It is very easy to undo in one year what you have done in four, if you lie still.

Mr. DAVENPORT. It is like the Christian life; if you are not going ahead, you are going backward.

Mr. FLETCHER. That is the question. If we could only legislate that men should be honest, we could cover the whole thing.

Mr. GOMPERS. You say if the eight-hour day were inaugurated it would increase the cost of production?

FLETCHER. Yes, sir.

Mr. GOMPERS. Is it admitted that the hours of labor of the workmen of the United States are lower than, for instance, they are in France, lower than they are generally in Germany, lower than they are in Russia, lower than they are in Italy and Spain. Are the wages of the American workmen lower?

Mr. FLETCHER. No, sir; they are higher than in any country you have named.

Mr. GOMPERS. Is the cost of the finished product in the general trade, the general industry, higher in the United States than in those countries?

Mr. FLETCHER. Very much.

Mr. GOMPERS. How is it, then, that we are capable of holding our own in the markets of the world with the productions of American industry?

Mr. FLETCHER. We are not in my business. I can not speak for any other trade. We do not and we can not hold our own. We can not compete in the markets of the world, and we do not compete with the markets of the world. The only reason we build the ships here is because the Government of the United States will not allow them to fly the American flag and engage in the coastwise trade unless they are, and that is the reason we do not allow them to go to England and France and other countries. That is the reason we have no ships on the water, because they say they cost too much. Germany subsidizes her ships and France subsidizes her ships in some way. These other countries all do something to encourage shipbuilding. Here we do everything to discourage it. Now, here is something that will drive it further back. That is the reason I am here. I am not trying to oppose labor. I am not against anything that is for the good of the laboring man. I have been a laboring man myself. It is no cinch to be a boss; you know that.

Mr. GOMPERS. No; but I think there are not many of your employees who would not change places with you.

Mr. FLETCHER. No; I suppose not.

Mr. GOMPERS. You say that you made your way from the position of a workman, working with your own hands, to your present position.

Mr. FLETCHER. Yes; I worked in the shop. I worked my way up.

Mr. GOMPERS. I suppose that opinion is predicated upon the idea that there are some men in your employ who might, if opportunity presented itself, also evolve?

Mr. FLETCHER. Might do better.

Mr. GOMPERS. To your position of manager or owner?

Mr. FLETCHER. Might do better, perhaps.

Mr. GOMPERS. That is not the question.

Mr. FLETCHER. Oh, yes; we have some very intelligent men, some men that I am glad to meet and talk with on any subject, who could perhaps come down here and talk before this committee better than I could, more intelligently than I.

Mr. GOMPERS. In any agreement you have had with your employees, either organized or unorganized, for overtime, has it not been always that an extra charge was made for overtime beyond the specified limit of the day's work?

Mr. FLETCHER. We have always paid overtime.

Mr. GOMPERS. I mean additional pay for overtime, rather than the ordinary straight time, as it is understood?

Mr. FLETCHER. Overtime, as I remember the old schedule, was up to 10 o'clock at night in the shop, and forty minutes constituted an hour after the regular quitting time. Out on work it was two hours for one. In the latter years it got to be so that it was in some cases two and a half hours for one, and if it was a dry-dock job, or if it was a cold or wet job, or a particularly hot or dirty job on a ship, they managed to get three hours for one. There was an elastic arrangement with the laboring people and ourselves, and we had no friction. And speaking of the adjustment, I remember when we were working on the eight-hour law we were sitting around our dining table, not quite so large a table as this, and we had all the representatives of the trades that were employed by us, and one of the arguments that was used was that we would find that the men would produce as much in nine hours as they had been producing in ten, so that they asked us to shorten the hours and retain the wages at the same rate as they were for the longer hours, and we would find that the production would be the same at nine hours as we had been getting in ten hours. I do not know just how they proposed to do that. I asked one of them this question, and this was rather brutal if it had been in earnest, but it was not intentional, you know; I said: "So the men have been cheating us out of an hour's work, and now you come to us and tell us that you are going to give us the same work in an hour's less time, and you want the same pay?" The idea was that the men working the shorter hours would be more vigorous, more capable of producing work, I suppose.

Mr. GOMPERS. A little fun will not hurt.

Mr. FLETCHER. No; a little fun will not hurt. We found this, that for about two weeks after that change the men pulled up, as you know men can pull up, and everything hummed; but then they began to sag off, and we found that the capacity fell off, and we got exactly nine hours' work for ten hours' pay, instead of ten hours' work for the same pay.

Mr. GOMPERS. I say this to you in all candor, and not for the purpose of casting any reflection upon your statement at all, as to its veracity, as far as you believe, or perhaps know——

Mr. FLETCHER. The books will show that.

Mr. GOMPERS (continuing). But would you have any objection to one or two gentlemen, pledging themselves to you their word of honor not to divulge anything that might appear in your books, examining those books to demonstrate that fact to their satisfaction?

Mr. FLETCHER. No; I would not consent to that.

Mr. GOMPERS. All right.

Mr. FLETCHER. I do not see that that is pertinent to anything under consideration here.

Mr. GOMPERS. I simply asked you the question.

Mr. FLETCHER. I make the statement as a man of honor, and I made that statement without any special reason of advantage to myself, and it is fair to assume that I am telling the truth. I will tell you this candidly, that we can buy a Scotch boiler in Philadelphia and deliver it on our wharf in New York for at least a cent and a half a pound less than we can produce it for in our own works. I will tell you that as a fact.

Mr. GOMPERS. I simply wanted to make that request of you, if you thought you would care to accede to it, and if you do not care to, all right.

Mr. FLETCHER. I do not think it would be good business to do that, and I do not think there is anything about the conditions to warrant it. If there was sufficient to be gained by it, of course I would not hesitate to send the books down here. Is there anything further, gentlemen?

Mr. DAVENPORT. In your negotiations with the representatives of labor unions did they ever make any objection to you against overtime work for overtime pay?

Mr. FLETCHER. Oh, no.

Mr. DAVENPORT. Do not all your agreements with them contemplate that?

Mr. FLETCHER. Oh, yes. That would not have been popular with the men at all, and would not be to-day, I think. The men like overtime pay, and it is perfectly natural. It increases the amount of money they have, and they can spend more money on their families and friends, and on clothes and enjoyments, however they may see fit to spend it, and it does not destroy their health. Of course if a man worked overtime night and day for a number of days it would have a bad effect on him, and I do not think it would be to the benefit of the employers of the men to allow them to work in that way. Sometimes it is done. I have known men to work overtime night and day for quite a while, and of course toward the end they did not produce so much. I do not think that is fair to the men or to the employers; but of course they like overtime. They like more money. Why should they not? We all work nights when we can gain something by it. We are all human and we are all trying to provide for ourselves and our families by our labors.

Mr. DAVENPORT. In all your experience has any proposition ever been put up to you by the laboring men that they should be confined to a rigid eight, nine, or ten hour day without overtime work?

Mr. FLETCHER. No; and I think, from what I know of the men that if they could express their own individual opinions freely they would not be in favor of it. That is my opinion; I give it as such.

Mr. GOMPERS. But in all your agreements there has been a requirement for extra pay for overtime beyond the pay per hour of the ordinary day's work?

Mr. FLETCHER. And that always existed, Mr. Gompers, even before there was such a thing as a labor union in our business.

Mr. GOMPERS. Mr. Fletcher, you are going back a thousand years.

Mr. FLETCHER. No; I can not go back that far.

Mr. GOMPERS. But you are, if you make that statement.

Mr. FLETCHER. I am going back thirty years. That is as far as I can go. That is as far as I know.

Mr. GOMPERS. Oh!

Mr. FLETCHER. The labor organizations have come in of recent years in our particular trade, as you perhaps know better than I do.

Mr. EMERY. You refer to the first time you came in contact with them in your industry?

Mr. FLETCHER. Yes.

Mr. GOMPERS. But there were organizations before they entered into your particular industry.

Mr. FLETCHER. Oh, yes; I suppose there were. I do not know that I can add anything to what I have said.

Mr. RAINEY. I understood you to say that so far as you were concerned you would welcome an eight-hour day when the time comes for it and when business conditions warrant it.

Mr. FLETCHER. Yes, sir.

Mr. RAINEY. Then I also understood you to say, in reply to Mr. Gompers's questions as to when that time would come, that there was a general evolution in the direction of a shorter workday?

Mr. FLETCHER. Yes.

Mr. RAINEY. From the time when men worked from sunrise to moonset up to the present time. That evolution is something upon which we have to congratulate ourselves, is it not?

Mr. FLETCHER. I think so.

Mr. RAINEY. Has that evolution been brought about by the men who employ labor?

Mr. FLETCHER. I think that is an evolution brought about by the general improvement of mankind.

Mr. RAINEY. Has there been any organization between the men who buy labor to combat the condition which existed not long ago when men worked from sunrise to moonset?

Mr. FLETCHER. Combating that particular condition?

Mr. RAINEY. Yes.

Mr. FLETCHER. Not to my knowledge.

Mr. RAINEY. The evolution in the direction of a shorter workday has been brought about by the men who sell labor, has it not?

Mr. FLETCHER. Partly by them and partly by the conditions. Labor is a commodity like anything else.

Mr. RAINEY. You do not know of any organization among the men who buy labor to bring about a shorter workday, do you?

Mr. FLETCHER. No.

Mr. RAINEY. Now, no company which has been represented here so far have declared themselves as in favor of a shorter workday than now exists. If men who buy labor unanimously, almost, so far as this committee knows, are opposed to a shorter workday and are opposed to every bill that has in view—every legal step which has in view—a shorter workday, and if their contentions are heeded and are carried out by the Government and by others, when will it happen, if they have their way, that the eight-hour workday will ever come?

Mr. FLETCHER. I might say this, that the shorter hours we have accomplished have not been brought about by legislation. We are here to protest against this eight-hour workday being brought about by legislation. We are here to say that the United States Government has not the right to interfere with private contracts.

Mr. RAINEY. How can the United States Government in connection with the material it buys and labor that it buys ever do anything except by legislation in the direction of providing an eight-hour day?

Mr. FLETCHER. The United States Government can do like any other purchaser; when it goes out to a contractor it can contract with him to produce a certain amount of material with a certain amount of money under certain restrictions; and they are always severe enough and always exacted. But I say this, that it is wrong for the United States Government, it is wrong for you gentlemen who favor this legislation, to discriminate against me in favor of

some other manufacturer. If you are going to allow me to work eight hours only, it is not fair to let another man work more than eight hours, whether it is on a coat or a shoe or a button, or whatever it may be; it is discrimination in favor of one man against another. That is what I object to. That is the legal objection. I believe it is unconstitutional because it is unfair.

Mr. GOMPERS. Admitting, as some gentlemen seem to contend, that this bill will reach all branches of industry, contractors and sub-contractors as well who attempt to sell anything to the Government, where could there be any discrimination?

Mr. FLETCHER. Why should the United States Government, if it is the right thing to do, hesitate about reaching all these things with the long arm that it possesses? Why start in and try it on one trade and wait until it reaches the others by evolution? Why not constitute this a blanket bill and make it cover all workmen? Why not try it? This is a discrimination against the trade that I am in more particularly than any other.

Mr. GOMPERS. Would you favor such a bill?

Mr. FLETCHER. No, sir; I do not favor legislation of that kind at all. I think the United States or the city government has no right to do it.

Mr. GOMPERS. I thought your statement would bear that interpretation.

Mr. FLETCHER. No; but that will be fairer. You must admit that this bill is discriminating, because you have stated yourself it does not apply to everything, but you hoped it would, eventually, if I have heard the language correctly stated here.

Mr. GOMPERS. That is not my statement. That was not my statement.

Mr. FLETCHER. May I ask you a question?

Mr. GOMPERS. Yes; you are going to turn Yankee?

Mr. FLETCHER. Yes. I want to ask you, since you have asked me, do you believe there is anything in that clause in section 2 of this bill that will exempt anything that the Government produces from being construed as under the eight-hour law? If so, you must admit that there is a discrimination so far as that is concerned; is it, or is it not?

Mr. GOMPERS. Pardon me a moment. You said, in answer to a question of Mr. Rainey, a member of the committee, why discriminate, and why not have a blanket bill that would place all industries upon the eight-hour workday; and I simply asked whether you favored such a bill.

Mr. FLETCHER. Yes; the reason I asked Mr. Rainey that question was because of the question he asked me. He asked me, if it applied now to a certain portion of the stuff produced by the Government, if it would not eventually come around to apply to all of it, and I said that if it is right to apply it to one portion it is right to apply it to all. I deny the right, in the first place. That is the basic principle. In argument we often assume things that do not exist, and, assuming that it should be applied to part of the stuff purchased by the Government, it should be applied to all. We all want to stand for rights, you know. That is the American principle.

Now, you say yourself that you believe it will exempt something that the Government buys, whatever that may be. I say if that is

the case, however that may be, or whatever it may be, it is not treating all employers of labor alike, it is not treating all employees who furnish their labor alike; because it allows you, if you make buttons, to work as many hours as you like and make as much money as you can by those hours, but it limits me as a shipbuilder to merely what I can make in eight hours. Therefore it is discriminative against me, and that is why I am here. I am not opposed to labor at all.

Mr. RAINEY. Then you contend that the eight-hour workday, in its last analysis, will come when the laboring men want it?

Mr. FLETCHER. No; I say it will come when the conditions warrant it. It may have been aided by the demands of the workingmen; it may have been aided by the efforts of these gentlemen who by their intelligence have directed the laboring men in their demand, and then by certain compromises with the employer; it may have come from the improvement of mankind at large; it may have come from the demand of the employed men to work less hours; it may have come from this country becoming richer and richer from the products of the earth, so that we could afford to be more profligate. Everything costs more. Why does it cost more? It does not cost more in the earth than it ever did, but it is because the hand of man has touched it. And that is labor as you know it; and that is you, I, and these men.

Mr. DAVENPORT. Has it not largely and principally come from the introduction of labor-saving machinery?

Mr. FLETCHER. There has been a great deal done with that, of course, and that is a thing that has helped this country to advance. I think we are getting into another subject now. I think, due to the higher wages in this country, due to the protective tariff on different articles, it has been a benefit to the workmen of the country, because it has given them more to live for, a higher wage, so that they could send their children to school to be educated; and the evolution in this respect has been one of advancement, because as the children step in and take the places of their fathers they work more with the brain than they do with the hand, and as you develop the brain along with the hand you make a better man, a better mechanic, and you make a man that grasps some way to produce something in a cheaper way. That is the evolution of mankind, and it does not stop. You may check it, but it will go on, and you can not stop it.

Mr. RAINEY. You object to this bill requiring an eight-hour day in the matter of ships for the reason that it would increase the cost of building ships?

Mr. FLETCHER. That is one of the objections to it.

Mr. RAINEY. As applied to ships that is the objection, is it not?

Mr. FLETCHER. Exactly.

Mr. RAINEY. Could you not decrease the cost of building ships very materially if you could get free raw material with which to build them?

Mr. FLETCHER. No.

Mr. RAINEY. Could you not—

Mr. FLETCHER. Pardon me; I told you on the start that material received from the United States Steel Corporation was raw material to us; that the material we received from the Bethlehem Steel Company was raw material to us; that the material we receive from anybody is raw material, because then we take those materials and try to fabricate them, and 90 per cent, to put it mildly, is labor.

Mr. RAINEY. Is it not true that you can get ship plates in England 33 per cent cheaper than in this country?

Mr. FLETCHER. Possibly that is true. I will not say.

Mr. RAINEY. If that is true, and you could get them 33 per cent cheaper than the American Steel Company could produce them, would not that have something to do in the direction of a decrease in the cost of building a ship?

Mr. FLETCHER. Surely.

Mr. RAINEY. Then how has the protective tariff helped anybody?

Mr. FLETCHER. That is getting into a pretty broad field.

The CHAIRMAN. It is very important to this bill.

Mr. RAINEY. I do not know how you explain it.

Mr. FLETCHER. I simply used that to show the evolution of the workman.

Mr. RAINEY. You say that shipbuilding is decreasing everywhere in this country except on the Lakes; but that there are certain conditions which are peculiar to the Lakes which make shipbuilding profitable there and that business is improving there. What are those conditions there?

Mr. FLETCHER. The conditions are these. The inland water transportation can only be done by the vessels on the Great Lakes. You can not very well build a vessel in England and bring her into the lakes, because you can not get her there. Now, you must build your ship there. If you want to do business between New York and Richmond, you can build your steamer in England and bring her over and run her, unless the Government of the United States interferes.

Mr. RAINEY. Could you not build your ships in England and bring them through into the Great Lakes?

Mr. FLETCHER. Possibly you could; cut them in two and bring them through.

Mr. RAINEY. Have we not got a waterway out through the Welland Canal?

Mr. FLETCHER. Yes.

Mr. RAINEY. And a few years ago did they not establish a line between England and Chicago of 3,000-ton ships?

Mr. FLETCHER. But that is inland trade on inland waterways.

Mr. RAINEY. Then your interpretation is that the shipbuilding is increasing on the Lakes because the ships of Great Britain can not enter into competition?

Mr. FLETCHER. No; that is not the reason. The reason is that the business exists for water transportation on the Great Lakes. Great mines have been opened up, and there are great quantities of wheat and other agricultural products which are brought down through the Great Lakes as being the cheapest line of transportation; and that is why the trade on the Lakes has grown.

Mr. RAINEY. Is it not true that vessels in our coastwise trade are just as fully protected against foreign competition as vessels on the Lakes?

Mr. FLETCHER. Yes, sir.

Mr. RAINEY. Is it not true that vessels engaged in our coastwise trade are earning now every year 100 per cent on the investment?

Mr. FLETCHER. No; I do not think that is true. I am sure it is not true. I do not believe that is true of any steamship company in existence.



Mr. RAINEY. Is it not true that our coastwise trade is the most profitable trade in the world?

Mr. FLETCHER. No, I do not think that is true, either; but of course I do not know that.

Mr. RAINEY. I mean the most profitable carriage trade in the world.

Mr. FLETCHER. No; I do not think so.

The CHAIRMAN. If you have any evidence on that line, Mr. Rainey, although it is foreign to this, I would like to see it put in the record somewhere, because I live in a locality where everybody's investment, every dollar that everybody got, went into vessels in the coastwise trade up to twenty-five years ago. Nobody is in it now, and they all tell me it is because it has become unprofitable. The people that were in that business and owned the vessels had a tremendous fleet twenty-five years ago, and whenever a vessel went out they built a new one, but during the last twenty or twenty-five years as fast as those vessels went out they let them go, and they make the statement that it is because it does not pay.

Mr. RAINEY. I make this statement. The fact is this, that the railroads now control the coastwise trade and own the vessels that carry the trade along our coast, either directly or indirectly, and two years ago Mr. Garfield, who was then at the head of the Bureau of Corporations, started an investigation by sending out schedules, the object being to ascertain the connection of carriers by land with carriers by water, and to ascertain that very fact, that vessels engaged in our coastwise trade are now owned by the railroads, and that they are crowding out of the business vessels not owned by them by fixing rates to suit themselves. The schedules were all sent out. The schedules have been returned, and I can not get to see them, and I have made a dozen trips up there, both under the present administration of the Bureau of Corporations and the administration of Mr. Garfield. Just what that investigation has disclosed I do not know, nor just why it is not made public, but if it is made public it will show, in my judgment, something of that kind.

Mr. FLETCHER. I can tell you one thing that it will not show; it will not show that the Clyde or the Mallory lines or the Porto Rican Line or the Metropolitan Line or the Ward Line are controlled by the railroads. Those are the principal coastwise lines in the United States, and not one of them is owned by railroads. They were all in the consolidated steamship company, the Morse company. That has petered out, and they are reorganizing the company. That is how I happen to know that they are not owned by the railroads.

Mr. RAINEY. Here is another question that occurs to me. How does it happen that all the Government yards engaged in building ships for the Government almost unanimously demand subsidies, longer hours for labor, and are almost unanimously opposed to free raw materials for ships?

Mr. FLETCHER. Do they ask for longer hours for labor? I did not know that. They oppose shortening the hours, but they do not demand longer hours.

Mr. RAINEY. They want them as they are, and they demand that the present high price of materials remain as it is, and they ask gratuities from the Government.

Mr. FLETCHER. They ask subsidies to relieve them from the wages, to put them on a fair footing with their competitors. If you can buy goods 10 per cent cheaper than I can, you can sell them 10 per cent cheaper. If you can buy labor 10 per cent cheaper than I can, you can afford to do work cheaper than I can. If that gentleman is interested in having the price of labor kept up, and he comes to me and says "I will pay you that 10 per cent," we are on an equal footing.

Mr. RAINEY. Is it not true that with our increased wages—I mean by that, higher wages than are paid in other countries—we are competing with other countries in their own territory with our manufactured products?

Mr. FLETCHER. We are not on ships. That condition does not exist. I do not think a single case can be cited where we went into a foreign market and took a ship and built her in competition with foreign builders.

Mr. GOMPERS. Is it not true that the French builders were in competition on this contract secured by Mr. Cramp; that the Cramp Shipbuilding Company secured a contract from Russia notwithstanding the fact that the predilection and desire of the Russian Government was to have French shipbuilders build those ships, by reason of the fact that it was under some sort of obligation to the people of France and the Government of France in favoring the Russians?

Mr. FLETCHER. There is just this element of doubt that enters into this, that perhaps it might have been the desire of the Russians to curry some favor with the people of the United States by giving us a contract. I question very much whether it was a question of competition.

Mr. GOMPERS. Mr. Cramp so testified.

Mr. FLETCHER. It must be true if Mr. Cramp said so. I would not accuse him of saying anything that was not so. That is the only instance. I do not know of any other.

Mr. GOMPERS. It is admitted.

Mr. FLETCHER. Yes.

Mr. GOMPERS. And it is in evidence.

Mr. FLETCHER. Is there anything else you desire to ask me?

The CHAIRMAN. As to this matter which has got into the record, if it be true that the railroad companies or any other transportation companies are controlling our coastwise trade, and they are doing it so as to drive all competition from the sea, does that in your mind argue a condition of prosperity?

Mr. FLETCHER. In the first place I would say, with due respect to the gentleman who made that statement—as I understand it he did not make it as a positive statement—that to the best of my belief and knowledge that statement is not true. We are starting off, then, with a wrong basis upon which to predicate an answer. I should say it was immaterial whether the steamship company was owned by the railroad or the individual as to the cost of transportation.

The CHAIRMAN. If you know the answer to this question please give it to us, and if not, not. Regarding the statistical report that has been relied upon here to-day, is it not a fact that the increase of capital invested in our coastwise trade is as a matter of fact not an investment in the coastwise trade in the sense of seagoing vessels, but is an investment in barges to be towed by tugs?

Mr. FLETCHER. It is an investment in barges. The inland water trade is enormous, and the growth on the Lakes is enormous. The clearance through Detroit is far greater than that of New York. I could not give you the figures.

The CHAIRMAN. And the investments that are made for the Atlantic coast, instead of being for coastwise vessels, are really going into barges to be hauled around by a tugboat?

Mr. FLETCHER. I have got to refer to Mr. Morse, because it is pertinent to your question. The truth is, that he did too much new building. That is one of the things that got him into his troubles. I am speaking now of the steamship business purely, and not of his banking; I do not know anything about that. He did about \$8,000,000 worth of new shipbuilding in eighteen months, and that was too much. He could not sell the bonds.

Mr. VREELAND. Referring to the statement that the capital in shipbuilding has increased largely in five years, do you know whether the increase has been largely on the Atlantic seaboard or on the Great Lakes?

Mr. FLETCHER. In the last five years?

Mr. VREELAND. Yes.

Mr. FLETCHER. I think there has been a great deal of increase in the last five years. Mr. Holden made a statement that the capital invested in the last five years has more than doubled. Assuming that that statement is true, I was wondering what part of it was invested upon the Atlantic seaboard and what part of it was upon the Great Lakes.

Mr. FLETCHER. If there is anything upon the Atlantic seaboard in the way of ship improvement, excepting minor improvement, in that time, I do not know what it is. The Fore River Company was started more than five years ago and the New York Shipbuilding Company was started more than five years ago. I do not know whether it has ever paid anything.

Mr. PAYSON. It never has.

Mr. FLETCHER. As to Mr. Cramp's statement, I do not know what that was, but if you are correct in it, I think you will find that their best business, where they have gotten most of their money, has been in the I. P. Morris Company, which manufactures turbines, and not from shipbuilding.

Mr. VREELAND. What was the statement of Mr. Cramp's business last year?

Mr. FLETCHER. It showed a decrease of earnings over the year before, which was somewhat remarkable. I could not give you the figures; perhaps I should not quote them. It is another man's business. But it was quoted in the papers, and that is why I mention it. I think if you will notice the shipbuilding interests of the country you will find that what I say is true, that the business is almost extinct, so far as commercial work is concerned to-day.

Mr. VREELAND. Except on the Great Lakes.

Mr. FLETCHER. The Great Lakes, the inland lakes and rivers, are entirely a proposition by themselves. I am speaking of the coast, more particularly of the Atlantic coast; and I believe it will hold good with the Pacific coast, too.

Mr. VREELAND. Is it not true that the plants on the Great Lakes are pretty generally prosperous?

Mr. FLETCHER. Yes, sir; and they have been.

Mr. GOMPERS. Mr. Chairman, there are two gentlemen here, representatives of two trades, whom I should like to have you hear for a few minutes in regard to a matter which has been testified to by Mr. Graham. They will not occupy more than a few minutes of your time, and they have engagements elsewhere.

**STATEMENT OF MR. EDWARD NOTHNAGEL.**

Mr. NOTHNAGEL. Mr. Chairman and gentlemen, I am an electrical worker. There has been a statement made here that Mr. Gompers wanted me to refute—by Mr. Graham in his statement before this committee.

Mr. VREELAND. What plant are you in?

Mr. NOTHNAGEL. What plant am I in? I am a journeyman electrical worker, working at the trade.

Mr. VREELAND. Where are you working now?

Mr. NOTHNAGEL. I am working at the sewer pump station.

Mr. VREELAND. Where is that?

Mr. NOTHNAGEL. For the District government, southeast; Second and N streets.

Mr. VREELAND. Is it a private concern?

Mr. NOTHNAGEL. It is the District government. Mr. Graham states that he has had men in his employ who have asked to work more than eight hours. All the members of our organization have made very stringent measures against the working of overtime except in emergency cases. We have gone so far as to ask double time for all overtime, and we do not care about doing that. That has been the sentiment of most of the members of our organization that I have ever talked with.

Mr. GOMPERS. What is the purpose in providing double time for overtime or for holidays?

Mr. NOTHNAGEL. To get away from the working of overtime. We do not care to work any more than eight hours.

Mr. GOMPERS. Is that, so far as you know, the wish of the electrical workers generally, whether organized or unorganized?

Mr. NOTHNAGEL. Well, I will say that I have never heard anything otherwise since I have been employed in the District of Columbia, which has been some eleven years.

Mr. GOMPERS. I have here a copy of the by-laws of the local union, No. 26, of the International Brotherhood of Electrical Workers, of the District of Columbia, and it contains an agreement between the Electrical Contractors' Association, of Washington, D. C., and the Electrical Workers' Union No. 26. Will you look at it and just explain to the committee the matters of regulation as to overtime and holidays, and the times therefor?

Mr. NOTHNAGEL. The first section of this agreement reads:

Full eight hours shall be considered a day's work in the District of Columbia while workmen are engaged in electrical construction work.

Here is a clause that was inserted at the suggestion of the employers to cover emergency cases:

Any labor performed before 7.30 o'clock a. m. and after 8 o'clock p. m., or on Sundays or holidays, shall be deemed as such, and shall be paid for at double the rate of wages.

to get that through unless there was some overtime work on the plastering?

Mr. RABBIT. That is a business emergency.

Mr. PAYSON. That is a business emergency?

Mr. RABBIT. And it would be so treated.

Mr. VREELAND. The men would work?

Mr. RABBIT. The men would work. They would not work any hardship on any contractor.

Mr. PAYSON. In case of a business emergency the employer would be the judge as to whether it would justify overtime work?

Mr. RABBIT. If it would be justified in the eyes of the association.

Mr. PAYSON. You mean that the men would have to apply to the association for permission to work overtime?

Mr. RABBIT. Yes.

Mr. PAYSON. Then, as a matter of fact, overtime work in your association is the exception in Washington?

Mr. RABBIT. It is an exception with us. I will make an exception to that, that the plastering season is a short season with us, and when we worked a ten-hour day we had about eight months' work out of the twelve, and since we have been working an eight-hour day we have about ten months' work out of twelve. You see what a benefit it has been to us.

Mr. PAYSON. Has there been any objection on the part of employers?

Mr. RABBIT. Not a bit in the world. We have not had a bit of objection from employers.

Mr. EMERY. There are a great many of the employees engaged in building operations who are not in your association, are there not?

Mr. RABBIT. Not a large number. The most of our work in the District of Columbia is done through subcontract. There are some of the larger firms who employ men directly.

Mr. PAYSON. I would like to get an understanding of that. Is the amount of labor you control in the District of Columbia—that your union controls—substantially constant, about the same amount year after year?

Mr. RABBIT. No, sir. As the needs of Washington have increased, we have always had more men.

Mr. PAYSON. I want to understand this. How is it that you say before the union took control of affairs and put in this exorbitant overtime work you only got about eight months' work in the year, and now, by the application of the rule, you get ten months' work? I can not understand that. May be I am dull about it.

Mr. RABBIT. When we worked ten hours, we did more work than we could in eight.

Mr. PAYSON. That is not possible, is it? As a union man, do you say that you could do more work in ten hours than in eight hours?

Mr. RABBIT. Why, yes, sir; I do not see how he could help doing more.

Mr. EMERY. What is the membership in your union?

Mr. RABBIT. My membership now in Washington is about 350. It fluctuates. In the busy season we have possibly 100 more.

Mr. EMERY. Do you know what proportion of the plasterers employed in the city is represented in your union?

Mr. RABBIT. I do not quite understand.

Mr. EMERY. You say you have 350 members?

Mr. RABBIT. Yes.

Mr. EMERY. What proportion is that of the number of plasterers employed in the city as a rule?

Mr. RABBIT. In this city? .

Mr. EMERY. Yes.

Mr. RABBIT. About seven-eighths.

Mr. EMERY. About seven-eighths?

Mr. RABBIT. Yes, sir.

Mr. RAINEY. You would think you could do more work in ten hours than in eight?

Mr. RABBIT. Yes, sir.

Mr. RAINEY. Could you keep it up longer? Do you think you would live longer?

Mr. RABBIT. Do more work in ten hours than in eight hours?

Mr. RAINEY. Yes.

Mr. RABBIT. Why, yes; of course we could.

Mr. RAINEY. Do you think you would live just about as long if you worked ten hours a day as if you worked eight hours?

Mr. RABBIT. No, I should not; but I could do more work in ten hours than in eight hours.

Mr. RAINEY. Then, in the period of your natural life, during the period you are engaged in productive industry, working eight hours a day, you would probably live longer and put in more hours if you worked eight hours a day than if you worked ten hours?

Mr. RABBIT. Yes.

The CHAIRMAN. You are going pretty deep into that. I do not know what we ought to put in the record about that, unless we are going into the question. The truth is that economic authorities are in flat contradiction on that proposition, one class of people contending that the eight-hour day is a benefit to mankind by making work for 20 per cent more men and the other class contending that the effect is to improve the product, but not increase the output. Now, if we are to settle that controversy, we want to open a new investigation.

Mr. RAINEY. I do not want to settle it, Mr. Chairman.

Mr. EMERY. What is the difference, if any, between the pay you received for ten hours' work and the pay you now receive for eight hours' work?

Mr. RABBIT. It has been a good many years since we worked ten hours, and the pay has about doubled on what we worked ten hours for. I remember when we worked ten hours for \$3 a day, and now we work eight hours for \$5 a day.

Mr. EMERY. How long has that double time been in existence?

Mr. RABBIT. That has been in existence in my organization for about three years.

Mr. EMERY. Three years?

Mr. RABBIT. Yes.

Mr. EMERY. Is that general, or is it confined to Washington?

Mr. RABBIT. It is very general in the whole industry.

Mr. VREELAND. The whole truth is, I suppose, Mr. Rabbit, that the plasterers fall into the atmosphere of a place, like everyone else, where there are short hours and good pay and easy work?

Mr. RABBIT. On the work here it is short hours, but the work is hard. If you are acquainted at all with the plastering business you know that it is one of the hardest and most laborious of the building trades.

Mr. VREELAND. Yes.

Mr. GOMPERS. You say that the conditions which you have here in the trade are pretty general throughout the United States?

Mr. RABBIT. Yes.

Mr. EMERY. That is, double time for overtime?

Mr. RABBIT. Double time for overtime prevails in nearly all of the large cities.

Mr. EMERY. Is it also true that in most of the large cities permission must be obtained from the union to work overtime, and not from the individual?

Mr. RABBIT. I can not say about that.

Mr. EMERY. That is confined to Washington, is it?

Mr. RABBIT. That is confined to Washington, so far as I know.

Mr. GOMPERS. You spoke in one of your answers about the employer getting permission. Is it not that there is an agreement or understanding rather than that the employer asks permission and the union is placed in the position of consenting?

Mr. RABBIT. Well, maybe there is.

Mr. GOMPERS. Is not that true?

Mr. PAYSON. That is a pretty leading question, Mr. Gompers.

Mr. RABBIT. It is generally, I think, in the judgment of the business agent of the association.

Mr. EMERY. He will pass on that?

Mr. RABBIT. He will bring it before the association.

Mr. EMERY. You mean in each case where it is proposed to work overtime the case is brought before the association?

Mr. RABBIT. Yes, sir.

Mr. EMERY. But that is confined to Washington?

Mr. RABBIT. Yes, sir; so far as I know.

Mr. RAINEY. Then, as a matter of fact, it is a matter of contract as between your representatives and the representatives of the employer?

Mr. RABBIT. Yes.

Mr. VREELAND. You brought around this condition which you describe here through your own efforts as workingmen and your own organization as workingmen? You have not had it done for you by law?

Mr. RABBIT. No, sir; we have not had it done by law.

Mr. VREELAND. Is it true throughout the country, so far as you know?

Mr. RABBIT. So far as I know.

At 1.40 o'clock p. m. the committee took a recess until 2 o'clock p. m.

#### AFTERNOON SESSION.

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. SAMUEL GOMPERS.**

Mr. GOMPERS. I have been asked to read this letter to the committee, and, with the accompanying document, leave it with the committee:

INTERNATIONAL ASSOCIATION OF MACHINISTS,  
Washington, D. C., March 10, 1908. .

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES,  
Washington, D. C.

GENTLEMEN: It is reported to me that Mr. MacGregor, president of the Union Iron Works, San Francisco, Cal., in a statement made before your committee on Friday, March 6, said that in the adjustment of the general strike in the iron trade of San Francisco it had been agreed that the hours of labor should be gradually reduced until the eight-hour day was reached June 1, 1910, and that eight hours should constitute a day's work thereafter. Further, that the nine-hour rate of wages being paid when the settlement of the strike was reached would not be paid for the eight-hour day.

I herewith attach a copy of the agreement as reached with the employers in San Francisco, which provides that the minimum wage rate per day prevailing at the time of the settlement was to continue during the life of the agreement. I make this statement because I believe that Mr. MacGregor was not fully informed as to the full particulars of the agreement.

Respectfully,

JAS. O'CONNELL,  
International President.

**PROPOSED AGREEMENT OF EMPLOYERS.**

That considering the conditions of San Francisco at the present time and the injury that would result to the city's interests from a continuation of the dispute in the iron trades, we mutually agree:

First. That all shops shall be opened and men return to work during the week ending June 8, 1907, on the hours and pay prevailing April 30, 1907, the minimum wage rate per day of this date to prevail during the life of this agreement.

Second. That nine hours shall constitute a day's work until December, 1, 1908. From December 1, 1908, until June 1, 1909, 8½ hours shall constitute a day's work. From June 1, 1909, until December 1, 1909, 8½ hours shall constitute a day's work. From December 1, 1909, until June 1, 1910, 8½ hours shall constitute a day's work. After June 1, 1910, 8 hours shall constitute a day's work.

Third. That there shall be no discrimination made by either side against any employees on account of their connection with the present dispute.

Fourth. That a conference to discuss any other matters not provided for in this agreement may be called by either employers or employees in any craft to provide for some method of adjusting questions at issue. Pending decision there shall be no lockout on the part of the employers or strike on the part of the employees.

Approved May 30, 1907.

I want to submit this letter with this rough draft of the agreement. Although not signed, it is the agreement reached between the employers and the employees. It shows that the wages were to remain as they prevailed prior to the gradual reduction of hours of labor until the eight-hour day shall be inaugurated.

The CHAIRMAN. There is no objection to putting it in the record, but I think that was the understanding of the committee as to what Mr. McGregor meant to say, that the question of wages was open after June, 1910.

Mr. HAYDEN. I think Mr. McGregor is misquoted in the communication that has been presented by Mr. Gompers.

The CHAIRMAN. It goes in the record with what he said, and it is all right.

Mr. HAYDEN. Yes.



Mr. NICHOLLS. On page 323 Mr. McGregor says:

Mr. MCGREGOR. Not without any decrease in pay.

The CHAIRMAN. In answer to what?

Mr. NICHOLLS. In answer to a question from Mr. Holder. It reads as follows:

Mr. HOLDER. Is it not a fact that your concern, in connection with all of your competitors at San Francisco, made an arrangement last May with all of the iron trades that you would decrease the hours of labor from nine to eight on a fifteen-minute basis each year until the year 1910, when you would reach the eight-hour basis, without any decrease in pay?

Mr. MCGREGOR. Not without any decrease in pay.

The CHAIRMAN. That refers, as I understand it, to the period after the eight-hour basis was reached.

Mr. GOMPERS. It is quite evident if the wages are to remain as they are to-day, at the time of the agreement, notwithstanding the gradual reduction in the work day of a quarter of an hour each year, that when the final-eight hour day arrangement shall prevail it will not involve a decrease in wages.

Mr. NICHOLLS. If I may read further, I think it will make it plainer.

Mr. HOLDER. It has been reported that there would be no change in the daily rates.

Mr. MCGREGOR. That, of course, is not correct. We simply can not pay nine-hour wages for an eight-hour day.

Mr. GOMPERS. It seems to me that the letter of Mr. O'Connell indicates clearly that there shall be no reduction in the wage rate by reason of the gradual reduction in the hours of labor, and it is unthinkable that there shall be a reduction in wages after the eight-hour day shall have been introduced; and the agreement shows that also, I think, rather clearly.

Mr. HOLDER. By the way, Mr. Gompers, it might be added that that proposition emanated, as you will notice, from the employers themselves.

Mr. GOMPERS. Yes; and I so stated.

Mr. HAYDEN. As a compromise.

Mr. HOLDER. As a compromise to the immediate establishment of the eight-hour day.

Mr. GOMPERS. Yes; setting forth the very contention that is made. I am informed that some statement was made to the effect that the representatives of labor have manifested less interest before this committee upon the hearings upon this eight-hour legislation than heretofore. I desire to say that while it may appear that we have had less interest in it, it is not based upon our actual position. We have felt, as we now feel, that there was no real need for any prolonged hearings, before the Committee on Labor in the last Congress or in this Congress, and we felt that there was less necessity for it before this committee, and perhaps particularly before this subcommittee. There are no new theories which can be advanced, and I doubt if there are any new facts which can be brought out or new arguments adduced either on the one side or the other. I am free to say that in our opinion, in the opinion of the men of labor who ask for an eight-hour bill, in our judgment, it is the policy, as it has been the policy of the opponents of this bill and this legislation, to merely try to drag out the hearings in order to prevent legislation upon the subject; and we did not care,

and we do not care, to add to that gayety of the procedure; and I would not have asked Mr. Holder and Mr. Tracy to come here and be in attendance at these committee hearings upon this bill were it not for the fact that it seemed to me that their presence might have some deterring influence upon the expressions of the opponents to this bill and this species of legislation.

I would not have asked your consideration for this little time that I shall take if it did not simply appear to me just to ask your indulgence for a very brief period to make a few remarks that I deem it a duty to submit. The two gentlemen who made statements to you just immediately prior to the recess I asked to come here merely to present their positions in regard to the question of overtime, not because of its immediate effect upon the trades to which they referred, but simply as typical of the attitude of labor throughout the country upon the subject of overtime. I will venture this assertion: That there has never yet been an assemblage of ten workmen who have come together for the purpose of discussing the subject of overtime but what they have deprecated it and pledged themselves to each other to endeavor to do away with it, to abolish it, and to penalize it in order to accomplish that purpose. I have had some experience with workmen. I do not know that there is any particular credit in it, but I have some pride in the fact that I have been a factory operative for twenty-six years, working at my trade as a wage-earner, and I think that I have a right to speak of the workmen as to not only what they say, but how they feel; and since that time when by the labor organizations I have been recruited into the service to render them whatever aid I could in protecting or promoting their interests I have, I think, had as much contact with the men who work as any other man in this country, and I think that I have the right not only to speak for them, but to interpret their feelings and their judgments and their desires; and though there may be here and there an isolated individual workman who may want to take advantage of what he believes will bring him an increased return in the form of wages for working overtime, I know that as a rule the workmen deprecate it and do not want it. They can not, in their relations with their employers, determine for themselves absolutely that they will not work overtime. I do know that there are a few trades in which the workmen have that right and that opportunity, and in those trades they have for themselves declared that they will not work overtime.

It is true that in the ordinary acceptance of the term "emergency," no such emergency can arise, such as the destruction of property, such as danger to life and limb; that is true. But in the ordinary acceptance of the term "emergency" in the law, in our trade I know I can speak for it, there is no such thing as overtime in so far as that trade is concerned. Wherever the workmen have had this subject under consideration in almost every instance I say they have penalized it, and by that endeavored to make it too expensive for the employer to flagrantly indulge in overtime. Sunday work is often insisted upon by employers when there is no provision for penalizing it by higher pay than the ordinary days of the week, and workmen in their organizations have secured, to a very large extent, the Sunday rest by penalizing it, by the demand for double pay, and sometimes by an increase over the ordinary wage of the week day. Of course I can understand that employers will come before this committee

and speak, and urge that they represent the rights and the liberties and the economic advantages for their workmen, for their employees; but for an ordinary mortal I should prefer to have the expressions of the workmen themselves, wherever they have expressed themselves, as a better and a truer gauge of what the workmen really want.

During the examination of Mr. Fletcher this morning he was asked the question by Mr. Rainey whether he knew of any association of employers, of the men who buy labor, which has gone on record or which has utilized its influence and power to secure a shortening of the workday of workmen, and Mr. Fletcher answered truthfully that he did not know of any; and I think we would have to look far and wide and deep and high before we could find any such suggestion, much less action or a programme for the reduction of the hours of labor. The reduction of the hours of labor of the working people of this country, as well as any other industrial country, has been not by the initiative of the employers, not because they desired it, but because the working people have insisted upon it, because they demanded it, and were willing to make sacrifices in order to achieve it. As a matter of fact, the whole history of industry demonstrates beyond question that it was at the persistent demand of the working people that the hours of labor have been reduced at all. With the introduction of machinery, bringing on the era of modern industry, and with the introduction of artificial light after the sun went down, men were worked, not as theretofore, from sunup to sundown, but with the machinery and with the artificial light the operation of the machines was permitted so long as the machines could be operated. Before that time the normal workday usually was from sunup to sundown, and in many European countries, while it meant a long workday during the summer, it meant an exceedingly short workday during the winter.

When the factory system, with its machinery and with its improved tools of labor and with its artificial light, came in vogue, the hours of labor of the working people of the world were lengthened abnormally. Men were worked, and men were destroyed; and it was at the demand of the working people that the hours of labor were reduced to twelve per day. And from then, every step toward a reduction in the hours of labor was contended against just as fiercely, just as persistently, as is now the movement to inaugurate the eight-hour workday. It was not by your leave, manufacturers and representatives of employers, that the hours of labor were reduced. It was not by your consent, except when that consent was wrung from you by the demands of the working people, just as much as constitutional government was wrung from kings in the olden days. And let me say this, that, speaking generally, there has only been one exception which has come to my notice during my entire life, and that exception was stated by the representatives of the Carnegie Steel Company, where employers of labor have ever gone back from the eight-hour working day to a nine and a ten-hour day. An let me say that Mr. Corey before this committee declared both for himself and his company that he believed the eight-hour working day would be an advantage, economic, industrial, and social, but that he believed that it ought to be more universal before it could be introduced in any one plant. That was his exception, and that was the only instance, as I have just said, of

an exception to the rule; and, as I say, the employers of labor, when the shorter workday has been introduced for a considerable period, where it was given a fair test, a fair experiment, would not go back to the longer day; they would not, could not be induced to.

You can not induce the men in the building trades, which have had the eight-hour day in operation for a number of years, to go back to the nine or the ten hour day. There is an industry that I have in mind, delicate in its manufacture, and despite any feeling that any Member or gentlemen may have upon the industry, I will mention it by name, the brewery industry. There was a time when the American employing brewers believed that they could not operate their plants unless they continued in the system and hours of labor in this country which obtained in Germany in the brewing industry. Everyone agreed and agrees that in the production of beer the greatest care must be exercised so as to preserve it, so as to prevent deterioration, and the men worked from about 4 o'clock in the morning until 10, and then there was a siesta, and then they would work until all hours in the evening. In no brewery of the United States do the hours of labor exceed ten per day now. In most of them the hours of labor are nine and in some of them eight. The secretary of the New York Brewers' Association told me a few years ago—and then the brewery workmen were in controversy with the brewers' exchange—that the employing brewers said: "There is one thing that your organizations have taught the employers in this industry, and that is that we can conduct this industry successfully and advantageously under the system of the reduced hours of labor." You will all remember as well as I do the time when our stores in the cities of the country were open until 9 or 10 o'clock and later in the evening, and the business men were under the impression that if they closed their stores an hour earlier than they did it spelled ruination to them.

You ask the business men of the stores in any city whether they would want to go back to keeping their stores open until 9 or 10 o'clock or later in the evening. The truth is that the men of labor—working people—by their demand for a shorter working day and the success which has attended their efforts, have given hours and hours of opportunity and leisure to the business men and employers, which they appreciate, and that it has not lessened but has increased and improved their business. I suppose it does look like a paradox that when the hours of labor are reduced wages are increased, or the producing power of wages is increased, that the volume of business is increased, and that the volume of production is increased, but, paradoxical as it may seem, it is true. It seemed a paradox when the sightless postmaster-general of Great Britain proposed a reduction of the postal charges—the advocate of penny postage—and declared that it meant a larger revenue for the Government, aside from its magnificent educational influences upon the people. It was paradoxical, but it proved true. It has proven true in our own country and it is true in industry.

Mr. VREELAND. Were you going to cite any examples of increased production under this decrease in hours? I would be interested in hearing something in that line if you had it in mind.

Mr. GOMPERS. Let me call attention to a few facts. First, I ought to say in preface that I am usually an exceedingly busy man, and by reason of the decision of the Supreme Court recently handed down

I have been made an additionally busy man, and I have not, therefore, had the opportunity of presenting specific facts of particular industries, but I shall try to indicate some facts that are apparent and patent to anyone who is interested and he can verify them or have them verified in the most easy manner. The question is often discussed, which had the first existence, the hen or the egg, and it is still a matter for discussion, and I make this statement, this simile, simply to illustrate the idea or the fact of which precedes or succeeds the other in industry, the introduction of new machines, new tools of labor and new forces to propel machinery, to drive machinery, or the movement to reduce the hours of labor, or whether a reduction in the hours of labor gives further incentive to the introduction of still more improved machinery, tools of labor, division, and subdivisions, and specialization of labor, and the application of still newer methods, and the expansion of the great driving forces that impel the motions of machinery. But be the claim what it may, the fact is indisputable that every reduction in the hours of labor is followed by the introduction of a newer and better machinery and better methods, swifter methods, for the production of wealth. You will find that in every country where the hours of labor are least there the greatest inventive geniuses reside.

Mr. VREELAND. Has not the reduction of the hours of labor also been preceded by the invention of labor-saving machinery?

Mr. GOMPERS. I tried to make that plain by the simile of the hen and the egg.

Mr. VREELAND. They have gone along together, have they not?

Mr. GOMPERS. They have—not gone along together; it has been in successive stages. You will find in any country where the hours of labor are relatively low as compared to countries where they are relatively high, that there are greater inventions, and I refer particularly to industries. It is true in general, but particularly as to industry. It is not a question of countries; it is true also as a question of sections in one country. It is true of sections in any one State. The reduction of the hours of labor has given more incentive to the production of new and newer and still better machinery and tools of labor than any other incident or cause. The improvement of machinery, the improvement of tools, the division and subdivision and specialization of labor, has made the productivity of the people per nation and per man greater than in any other country on the face of the globe. It is not a question of mere applying to any one particular trade or industry; it is an economic question, it is a social question, at least so far as it applies to the people of our own country, and it may prove an incentive to the civilizing influences upon the people of other countries. Wages are higher in the industries in which the hours of labor are least. You can compare in any industry on the face of the globe, the people of our own country with those of any other country, and you will find that wherever the hours of labor are least the wages are highest.

Mr. HAYDEN. Why work at all?

Mr. GOMPERS. I did not catch that.

Mr. HAYDEN. Why work at all, Mr. Gompers?

Mr. GOMPERS. There are some things on which even questions and answers would be reduced to absurdity. I mean men who work, not who loaf.

Mr. HAYDEN. That is what I had reference to.

Mr. GOMPERS. And whether that be the fellow who loafes because he has too much money, or who loafes because he has not any money at all or any opportunity to get work. I mean men who work, who work six days in the week; men who are willing to work. The working people do not want to shirk their duty—their work. They want to work. Yes, and there are a lot of them who want work now and can not get it; and due to no fault of their own, either. And the thought that I have tried to express does not only apply as between different countries, it applies to the workmen of different parts in one country. You will find that the men who work the least number of hours—and when I say the least number of hours I refer to eight hours as a normal day's work, as compared to men who work nine and ten and eleven and twelve and more hours a day—the eight-hour workmen, are the highest paid workmen in the industry, if there be a difference. You will find, if there is a difference in the hours of labor in the industry, that the eight-hour workmen are those who receive the highest wages in that industry; and you will find that it is equally true as to a whole trade or industry as compared to the workmen of any other trade or industry where the hours of labor are longer. It is an economic truth which is not only self-evident, but anyone who may doubt it may ascertain easily for himself.

If I believed for one moment, if there was a shadow of suspicion in my mind that the introduction of an eight-hour working day in the United States for the working people of our country would act detrimentally to them, to the people generally of our nation, to our nation as compared to any other nation on earth, I would that I might rather be struck dumb than to say one word in advocacy either of legislation of the character now under consideration or in advocacy of the establishment of the eight-hour workday by private agreement with employers. But the history of all industry has demonstrated that with the reduction in the hours of labor the productivity of the people has become greater and better, and the means of distribution have improved vastly, as well as the means of the transmission of intelligence and information. It has given an impetus to industry and commerce which it could receive in no other way. There is a philosophy upon which this movement for the reduction of the hours of labor is based which it would be well for those who are interested to endeavor to understand. It is not only the question of greater productivity, it is not the diminution of production, it is not lessening the wealth produced by the people of a country; it is based, in brief, on the thought which I have already partly endeavored to outline in so far as the productivity of the people is concerned, and, on the other hand, on this fact, that a people, a working people, whose hours of labor are reasonably short—that is, where the eight-hour day prevails—become better men, better citizens, more intelligent men, and you make of them greater consumers of the products of labor. You give them time and opportunity for the cultivation of better tastes, of better desires, of higher ambitions; you make of them a people who make sovereign citizens, with the ability to think, the ability to act, and the independence and character to think and act in behalf of themselves and the Republic of which they are citizens.

There is not a thing that you can do that will have so potent an influence to build up the manhood and the character of the working people and their wives and their children as helping to establish the

eight-hour work day and give the worker the time, the opportunity, and the leisure so that he can read for himself and consult with his family and participate in some of the pleasure and leisure of life. The long-houred workman has the least necessities or needs for his life. It is the man who works a reasonable number of hours a day—the eight-hour day—who has time to cultivate the good and the best that is in him and in his. If you give the workmen the opportunity for a normal work-day and they have leisure beyond the eight-hour workday, you have set in motion a power to use and consume the things produced by brain and muscle and machine and the earth that you can not find in any other way. It may be said, "Well, why do you not secure these things by agreement with the employers?" Let me say, gentlemen, that we have endeavored, and are endeavoring, to do so. But it is equally true with regard to the efforts that we are making, and have made for the past ten years, to have legislation securing the eight-hour workday on Government work and work for the Government, that the very same gentlemen who opposed this legislation before your committee are endeavoring to make the men of labor out-laws in their effort to reach private agreements.

Mr. VREELAND. What do you mean by that, Mr. Gompers?

Mr. GOMPERS. I mean to say, Mr. Vreeland, that the suits that have been brought against the organizations of labor and which have reached a final decision by the Supreme Court of the United States have outlawed the ordinary actions of the labor organizations that have been regarded as lawful until that decision was rendered; and the very fact, sir, that a union of workmen has come to an agreement with a large number of employers to maintain industrial peace between them is cited and held to be proof of the success of a conspiracy in constraint of trade, rendering not only the organizations and the officers, but the men of labor, the men in the organizations, liable to be sued in the courts for threefold damages which a dissatisfied employer may claim, an employer with whom they could not come to an agreement and with whom they have been in contest; and not only that, but under the law and under the decision these men can be proceeded against in the Federal courts, and if found guilty of the same charge to which I have referred, they may be imprisoned for one year or fined in the sum of \$5,000, or both, at the discretion of the court. That proceeding was brought and that judicial determination was reached, at the instance of an employer, and one of the gentlemen who in a legal way represents a general interest of some sort, which I do not know, but which is in opposition to this bill before this committee, and who appears before all those committees of Congress who have any bills under consideration that might in any way relieve the situation or to accord to labor the rights which we believe we are entitled to. Have I answered your question?

Mr. VREELAND. Yes, sir.

Mr. DAVENPORT. Do you refer to me?

Mr. GOMPERS. "Out, damned spot! thou canst not"—[laughter]. I think it was Macbeth who said, "Avaunt! Begone, thou canst not"—

Mr. DAVENPORT. "Say I did it."

Mr. GOMPERS. Yes, "say I did it." "Avaunt! quit my sight; thou canst not say I did it." I thought my Shakespeare would come back to me some time.

Mr. EMERY. I suppose you remember, Mr. Gompers, that the fear expressed in your quotation arose from the guilt of the chief of a criminal conspiracy?

Mr. GOMPERS. Yes, sir; and so did that of Mr. Davenport, who asked me the question.

Mr. VREELAND. I merely asked the question as between the employers and the men. It did not occur to me for a moment that it was a legal proposition.

Mr. GOMPERS. Yes, sir; it is in the case of *Dietrich Loewe et al. v. Martin Lawler et al.*, so that it does not make any difference upon which ground, upon which field, we seek the relief or redress, legislatively or by private agreement with employers, we are opposed by the same men. There is not a thing that we can do except to dissolve our organizations. That will please these gentlemen. But we are not going to dissolve them, and they are not going to dissolve them, either.

Mr. VREELAND. I want to ask you a question, if it does not interrupt the line of your thought.

Mr. GOMPERS. Very well.

Mr. VREELAND. The laboring people through their organizations have been very successful, have they not—would you not regard it so—in reducing the hours of labor during the last twenty-five years?

Mr. GOMPERS. Oh, I would not consider they have been very successful. They have made some progress; they have made decided progress. But I doubt that that progress has been commensurate with the needs.

Mr. VREELAND. Greater progress than in the previous two hundred years?

Mr. GOMPERS. Yes; we are increasing our progress in production at a greater ratio than in the previous five hundred years. I am not at all down in the mouth. I have no misgivings for the future. But I do know that if the working people of this country are going to either prevent deterioration in their condition, or if they are to maintain what they now have, or if they are to make any progress or share in the greater productivity of their labor, they will have to contend for it, contend every inch. There are a large number of employers who are fair-minded and want to deal fairly with their employees, and it is for the protection of those that an eight-hour day is necessary. It is for their protection that the organizations of labor shall be maintained and succeed, in order that they shall not suffer the cutthroat, Gradgrind policy of cutting wages at every opportunity which presents itself.

Mr. VREELAND. Mr. Gompers, do you think the production in all classes in the United States, the production of wealth in all its various forms of manufacture, would be equal under a universal eight-hour day to what it is, or would be, under a ten-hour day?

Mr. GOMPERS. I not only believe, sir, but it is a conviction borne out by every stage of industrial progress, that the production of wealth in all forms would continue to grow and extend.

Mr. VREELAND. Then let me ask you this. It is stated, I do not know with what truth, that the production to which I refer, produced by power—that is, by machinery—in the United States is equal to the labor of five hundred millions of men working by hand. If that be true, would it be possible to cut down the time of working to eight



hours, assuming that it cut down the time of working of the machines to a considerable extent; would you say it was then still true to keep up the amount of production and keep the cost of production where it is now?

Mr. GOMPERS. If both machinery and power were to remain in a condition of status, then, in all likelihood, every other thing being equal, there would be a reduction in the wealth production; but that is an unthinkable situation in the first place. Even now there are men who are burning the midnight oil and giving new machines and new tools to the world, and with a reduction in the hours of labor to eight a day, the millions of hours of labor which would be taken off the shoulders of the workmen would be millions of golden opportunities for the production of newer and better machinery and power. In truth, every successive stage in industry demonstrates that beyond a question, and, as I said a moment ago, there was not in any stage of the industrial history of the world where we, as well as others, did not meet the very same species of argument and opposition to a reduction in the hours of labor that we meet to-day. And yet the hours of labor have been reduced.

Mr. VREELAND. Not by law, have they, Mr. Gompers?

Mr. GOMPERS. Yes, sir; in many instances by law.

Mr. VREELAND. Except where the employee is the direct employee of the law-making power?

Mr. GOMPERS. Not only that, sir; for, as a matter of fact, the hours of labor of the people employed in the textile industry were long, very long, and there were men and women and children employed in the mills. By legislation we have secured a reduction in the hours of labor of women and children, and by reason of that legislation the mills closed for the men, as well as for the women and children, when the limit was reached. So that by legislation the direct limitation of the hours of labor was secured to the women and children, and by indirection it was secured for the men.

Mr. VREELAND. For instance, in the building trades, where the eight-hour rule quite generally prevails now, none of that is by legislation, I suppose, is it?

Mr. GOMPERS. None of it, except for governmental work—national, State, and municipal. That is true.

Mr. DAVENPORT. Would it interrupt your line of thought if I asked you this question. You are a member of the cigar-makers' union, I believe?

Mr. GOMPERS. Yes, sir.

Mr. DAVENPORT. Do they permit their men to work on labor-saving machinery in the manufacture of cigars?

Mr. GOMPERS. Yes, sir. If I understand the purpose of your question, let me say that your misinterpretation is this; that we do not permit the use of the union label upon the machine-made cigars, and that is for several reasons; one, that we could not recommend them; secondly, it is an entirely inferior quality and make and class of goods, as well as the fact that the men who undertake to manufacture a decent class of goods could not compete with the machine-made article. The union label does not go on machine-made goods.

Mr. DAVENPORT. Is it true that the members of the union are permitted to work on machines manufacturing cigars?

Mr. GOMPERS. I so understand; yes, sir. I want to say a word in connection with the bill. I have been quoted, and certain interpretations have been placed upon what I have said. I just want, if I can, to repeat or restate my views upon that subject, and when I say my views, I hope I will be understood as representing the views which labor entertains regarding this bill and this legislation. We aim to secure the eight-hour workday for all the working people of the country. We believe that industry demands it; we believe that the health and the life and the intelligence of the people demand it. I do not expect that this bill will secure eight hours for all the working people of the country, but I do believe that it will have a helpful influence in securing the eight-hour day. We contend that the Government of the United States should be, if not a generous, at least a fair employer, as fair, at least, as the fairest general employers of the country who accord the eight-hour day, and when the Government of the United States undertakes to have its work done by contract, and the contractors by subcontract, then the rule laid down by the Government of the United States in its own work should obtain and prevail and extend to the contractor and the subcontractor. We believe that the influence of the governmental action will extend so that workmen and people generally will point to the good, to the best, as an example for others to follow; it will be an asset in the movement to establish the eight-hour day. Of course, there may be some who will say, "They favor a shorter workday; they favor an eight-hour day, but"—usually a "but" as a qualifying word comes in, and we find that the qualification means the mere use of words to cover the real purpose of the opposition.

I am handed a paper by Mr. Holder, a friend of mine, a representative of labor, who has written this down, and I shall read it. It says the productivity per capita of the wage-earners in the United States in 1850 was \$1,065, and in 1900 it was \$2,451, in round figures, or an increase of over 120 per cent in fifty years.

Before I go further, I want to say that there is a question which Judge Payson asked one of the workmen this morning. The question in itself was not harmful, but he used a word which seemed rather peculiar. In asking the question he said, "What is the purpose of this exorbitant demand for overtime?" I merely refer to the word "exorbitant," and my first impulse was to ask Judge Payson whether he would not withdraw the word and substitute another which would not be so leading or convey the impression that the demand was exorbitant.

Mr. PAYSON. Would it interfere with your argument any to say that I never asked any such question, never had any such idea, and never said such a word. Would it make any difference with your argument? I appeal to the record.

Mr. GOMPERS. It would not make any difference, but it would not be in conformity with the record. Judge Payson did use the word "exorbitant."

Mr. PAYSON. To whom?

Mr. GOMPERS. To one of the gentlemen who appeared here this morning.

Mr. PAYSON. Tell which one; one was Mr. Rabbit and the other Mr. Nothnagel.

Mr. GOMPERS. You said it to one of them, and the record will bear it out.

Mr. PAYSON. The record will not bear it out.

Mr. GOMPERS. If the judge will, after consulting the record, find that he did use the word "exorbitant"——

Mr. PAYSON. Then I withdraw it.

Mr. VREELAND. I remember a word about that length.

Mr. GOMPERS. However, my memory serves me absolutely accurately.

Mr. PAYSON. Treat it as though I did; let us hear what you say.

Mr. GOMPERS. We will treat it as though the judge said it, and I want to repeat that he did so. Conceding, for the sake of the argument, that the demands which labor makes in respect to pay for overtime are exorbitant, it proves our contention; in order to make it prohibitive, the demand is exorbitant. Unconsciously, the judge by the form of the question, and the language employed in putting the question, bears out our contention.

Mr. PAYSON. Before you leave that subject, now, may I ask you a question?

Mr. GOMPERS. Yes, sir.

Mr. PAYSON. Can you name a labor union in the country affected by the operation of this bill that does not have a provision for overtime work in every trade agreement that it makes? Can you name one?

Mr. GOMPERS. I can not, sir.

Mr. PAYSON. Can you name any where, in any agreement, except as stated by this plasterer this morning, the pay for overtime for ordinary day work is double time?

Mr. GOMPERS. No, sir; I can not name them.

Mr. PAYSON. But you assert that there are some?

Mr. GOMPERS. Yes, sir.

Mr. PAYSON. Is it not a fact that the general provision, the almost universal provision, is simply 50 per cent extra?

Mr. GOMPERS. Yes, sir.

Mr. PAYSON. In business emergencies in ordinary times, Sunday and holiday work, double time?

Mr. GOMPERS. Yes, sir.

Mr. PAYSON. That is all I want to ask you.

Mr. GOMPERS. You will also find, as stated by Mr. Fletcher this morning, that in some trades, in order to penalize it out of existence, the pay is not only double time for overtime, but sometimes treble time.

Mr. EMERY. Can you name any such interest?

Mr. GOMPERS. No, I can not do that; but Mr. Fletcher referred to it himself.

Mr. HOLDER. That applies to all the metal trades, Mr. Gompers, in New York.

Mr. GOMPERS. I do not know of my own knowledge as to any particular trade, but I know that it exists. I know, too, that there has been a steady tendency toward penalizing it still further. I know, for instance, that ten years ago it seldom occurred where the pay for overtime, or for Sunday or holiday work, was more than pay and a half or 50 per cent over ordinary time. But the steady progress has been to penalize it out of existence except in case of an actual emergency.

Mr. Chairman and gentlemen, I do not want to occupy more of your time other than to say it seems to me that the exigencies demand a shorter work day. I trust that this committee will report and Congress will pass and have enacted into law an effective eight-hour bill.

May I ask, Mr. Chairman, in view of the fact that I notice there is a considerable bulk of testimony here—when I say “bulk” I say it in the most respectful sense—a large amount of testimony, that has been presented to this committee in opposition to this bill, and in view of the fact that those who ask this legislation have occupied but two hours of your time, that the committee would permit the incorporating in the present printed proceedings and hearings of some of the statements that have been adduced before at two or three former Committees on Labor of the House having this legislation under consideration.

Mr. VREELAND. The statements of those appearing in the affirmative?

Mr. GOMPERS. Yes, sir; and instead of taking up your time, by submitting orally before you, and we could do that with the millions of workmen in this country who are with us both in our organizations and those who would support it, we could, I think, bring a crowd of men who would come as the advocates of this bill; instead of that, we did not want to take up your time and do not want to do so, and we ask that at least side by side with all this testimony and argument against this legislation we may be permitted to submit some of the matters which we would like to have made a part of this record.

Mr. HASKINS. Everything that has been reproduced from former hearings and brought into this record by any of these gentlemen representing the manufacturers has been pointed out to us before it went in.

Mr. VREELAND. Mr. Gompers points those out, that they shall be statements made to the Committee on Labor in an argument on a similar bill at some previous time.

Mr. GOMPERS. I trust that each man, every one in his own way, both as Members of Congress as well as private citizens, may do what may be his duty in the premises. I do not think that we can afford to be indifferent to conditions as they exist, and the progress of industry. It will not do for any of us to assume the position of “After me the flood.”

Mr. RAINEY. As far as I am concerned, I do not think that request is unreasonable.

The CHAIRMAN. There is no objection to it.

Mr. GOMPERS. I thank you, gentlemen.

#### APPENDIX.

#### ARGUMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. GOMPERS rose.

Mr. McCAMMON. There is one point in that statement of Judge Payson he referred to some time ago that he wished to repeat before this committee, and that relates to the mail, or the service over the railroads, the carrying of troops and provisions for the United States, and the carrying of mail.

The CHAIRMAN. That is in his argument before the Senate committee?

Mr. McCAMMON. That is in it; yes, sir.

The CHAIRMAN. The judge insists that the bill applies to the contracts for the carrying of the mails.

Mr. HERBERT. I do not think that is denied, is it? I did not say anything about that for the reason that Judge Payson was to conclude the argument here. Certain transportation is excepted, and all other transportation, including railroads, is not excepted.

The CHAIRMAN. I can say that there would be no question about the bill applying, only this: The committee had a considerable amount of information that it thought was reliable, which went to show that nobody on the railroads made a longer run than eight hours a day, but other gentlemen have appeared before this committee who have given testimony to show, perhaps, that there are runs of longer than eight hours in some cases.

Mr. McCAMMON. And Judge Payson would say, as to his railroads, the same thing.

Mr. GOMPERS. May I say right here, Mr. Chairman and gentlemen of the committee, that we have no intention that its provisions shall apply to the railroads. I intended to say that in the course of my remarks, but in order to save time I just refer to it now.

Mr. McCAMMON. Before you proceed on that I should think Mr. Herbert should have opportunity to state his position in reference to this.

Mr. GOMPERS. You have consumed some nine hearings now and some two months and some thirty hours of the attention of this committee.

Mr. McCAMMON. That has nothing to do with this question of railroads. I merely assert that Judge Payson, in addition to the testimony given here, intended to show, so far as the railroads he represents are concerned, and I recall he said he represented 10,000 miles of railroad, that the law would apply, because they did not work as little, on an average, as eight hours a day—the employees of the roads work longer than that. That is all, and I am through.

Mr. GOMPERS. Of course if the honorable committee is of the opinion that further time shall be given to the opponents of the bill, I see no reason that I should, or even that I have a right to, interpose any objection.

Mr. HERBERT. I said I was through.

Judge McCAMMON. I have nothing more.

Mr. GOMPERS. Mr. Chairman and gentlemen of the committee, I congratulate the committee that we are arriving at the close of the hearings. There have been, just as I intimated a moment ago, nine hearings before this committee upon this bill, covering a period of nearly two months, and more than thirty hours have been devoted to the consideration of this bill before this committee—perhaps a longer period of time devoted to committee hearings than on any other measure that has been introduced in recent Congresses. My only regret is that I shall be required to take up some little time of the committee in considering some of the things that have been adduced, some of the arguments which have been made. I am not sure that the committee have heard or have seen the letters which I referred to as being desirous of submitting, and shall therefore proceed to read them. They are not very long. [Reading:]

BROTHERHOOD OF BOILER MAKERS AND IRON-SHIP BUILDERS,  
Kansas City, Kans., March 8, 1900.

DEAR SIR AND BROTHER: Your favor of the 5th instant received this morning and noted. And the best way I can answer your question is to inclose a notice that will give you all the firms in Chicago that are working eight hours. That is the only city that we have made the demand in. And now, besides this, we have a kind of an agreement in New York and vicinity on all repair work, where all the firms have agreed to work eight hours on the outside, which you will find on page 37 of the February Journal of the Boiler Makers.

Hoping that this will be satisfactory and conclusive, I am,

Yours, truly and fraternally,

WM. J. GILTHROPE,  
Grand Secretary-Treasurer.

SAMUEL GOMPERS,  
President, American Federation of Labor, Washington, D. C.

Shops that have granted demands of boiler makers:

Morse Iron Works.	Mitchell & Co.
Ross Iron Works.	Christopher Cunningham & Co.
Columbia Engine Works.	Hagan Boiler Works.
Pioneer Iron Works.	Franklin Boiler Works.
Erie Basin Dry Docks.	Peter L. Hughes & Co.
Lowensend & Osburgh.	Greenlee & Whatt Boiler Works.
White & Co.	James L. Gilroy Boiler Works.
Erie Basin Iron Works.	Hall & Hulbert Iron Works.
Terry & Little.	North Side Iron Works.
W. & A. Fletcher & Co.	Verden Iron Works.
Brown & Miller.	Hudson Iron Works.
Smith & Sons.	D. Aheron & Co.
Reily Supply Co.	Queens Borough Boiler Works.
Glasgow Iron Works.	Atlas Steamship Line.
M. Dunn & Co.	Nichols & Co.
Andrews, Phelan, Reich & Duff.	Volkes & Sons.
Morgan Iron Works.	

GRANITE CUTTERS' NATIONAL UNION,  
*Boston, Mass., March 13, 1900.*

DEAR SIR AND BROTHER: Replying to your letter of recent date, I have the honor to report that one-third of the contractors in the granite business have recognized the eight-hour day in the United States for the past ten years, and the other two-thirds have adopted the eight-hour day by commencing March 1 of this year, so that from now henceforth all granite cutting done from Maine to California and from the Canadian line to the Gulf will be done on the eight-hour day, by mutual consent between the employers and the employees in the granite business. It is not, therefore, necessary for me to enumerate the names of firms or the cities following this custom, as anyone who knows where granite cutting is done can stick a pin into that part of the map as being an eight-hour locality so far as granite cutting is concerned; and this applies not only to the cutting of stone for public or private residences and buildings, but to cemetery and monumental work on granite, or for whatever purpose it may be used.

Prior to 1900 the cities in the United States recognizing an eight-hour day in our trade were:

New York State: Albany, New York City, Brooklyn, Troy, Buffalo, Tarrytown and vicinity, Goshen and vicinity, White Plains and vicinity, and Suffern.

Maryland: Baltimore City; Washington, D. C.

Texas: Galveston, Llano, San Antonio, Burnett, Marble Falls, Paris, Fort Worth, and Austin.

Missouri: St. Louis, Kansas City, and Graniteville.

Minnesota: Minneapolis, St. Paul, St. Cloud, Mankato, Rockville, Big Stone, and Pipestone.

Wisconsin: Amberg, Granite Heights, and Wapaca.

Wyoming: Cheyenne.

Nebraska: Omaha.

Colorado: Denver, Silver Plume, Pueblo, Colorado Springs, and Cripple Creek.

Montana: Anaconda, Butte, and Helena.

Oregon: Cascade Locks, Portland, and Snake River quarries.

California: Sacramento, San Francisco, Raymond, Rocklin, and Los Angeles.

Those places form the principal granite centers in their respective States, and the adjoining country is subject to the rules governing those places; hence it is a fair statement that in each of the States mentioned the rules applying to the cities above referred to apply equally throughout the limits of the State.

Fraternally, yours,

JAMES DUNCAN, *National Secretary.*

Mr. SAMUEL GOMPERS,  
*President American Federation of Labor, Washington, D. C.*

NORTHERN MINERAL MINE WORKERS' PROGRESSIVE UNION,  
*Ishpeming, Mich., March 13, 1900.*

DEAR SIR AND BROTHER: Your letter addressed to William Mudge, Negaunee, asking information relative to what mines are being worked on the eight-hour system, received yesterday. In reply would say that the mines now working eight hours are as follows:

Lake Angeline, two mines; Lake Cleveland, Salisbury, East New York. These three are owned by Cleveland Clipp Company. Cambria and Lily mines; also Negaunee mines, Negaunee. That is all I know about in Marquette County.

Fraternally, yours,

EDWIN HARPER, *Secretary,*  
 418 East North Street.

MR. SAMUEL GOMPERS,  
*President American Federation of Labor.*

BRICKLAYERS AND MASONS' INTERNATIONAL UNION OF AMERICA,  
*Cohoes, N. Y., March 6, 1900.*

DEAR SIR AND BROTHER: In response to your inquiry of yesterday, asking me to furnish your office a list of the cities and towns in the United States in which the building trades at present work but eight hours per day, I report to you the following cities and towns wherein the bricklayers and masons work but eight hours per day, as per official reports to December 31:

California: San Francisco.  
 Colorado: Denver, Pueblo, Canyon City, Colorado Springs, Florence, Cripple Creek.  
 Connecticut: Hartford.  
 Illinois: Quincy, Belleville, Peoria, Springfield, Jacksonville, Rock Island, Alton, Streator, Joliet, Chicago, Danville.  
 Indiana: Indianapolis, Terre Haute.  
 Iowa: Des Moines.  
 Kansas: Topeka.  
 Kentucky: Covington.  
 Massachusetts: Holyoke, Springfield, Boston, Brockton, Lynn.  
 Michigan: Grand Rapids, Detroit.  
 Minnesota: St. Paul, Minneapolis.  
 Missouri: St. Louis, Kansas City, St. Joseph.  
 Montana: Butte.  
 Nebraska: Omaha.  
 New Jersey: Jersey City, Newark, Hoboken, Orange, Bayonne, Elizabeth, Kearny, Morristown.  
 New York: Brooklyn, New York, Albany, Cohoes, Kingston, Staten Island, Yonkers, Syracuse, Stapleton, Buffalo, Rochester, Long Island City, New Rochelle, Flushing.  
 Ohio: Cleveland, Hamilton, Cincinnati, Zanesville, Columbus, Dayton, Carthage.  
 Oregon: Portland.  
 Pennsylvania: Philadelphia, Newcastle.  
 Rhode Island: Newport.  
 Tennessee: Memphis.  
 Texas: Galveston, El Paso, Dallas, Fort Worth, Houston, Austin, Waco.  
 Washington: Tacoma, Seattle, Spokane, Olympia.  
 Wisconsin: Kenosha, Milwaukee.  
 District of Columbia: Washington.

I am very confident that before the 1st of May that agreements will be signed adopting the eight-hour workday rule in over fifty other cities, where our people have made demands for same, all present indications being very favorable.

It should be borne in mind that in this list thus given a number of the cities named contained more than one of our unions. Thus, in New York proper there are 9 unions; in Brooklyn, 7; in Boston, 3; Cincinnati, 3; St. Louis, 3, and a number of others 2 each.

Fraternally,

THOS. O'DEA, *Secretary.*

MR. SAMUEL GOMPERS,  
*President American Federation of Labor, Washington, D. C.*

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,  
*Philadelphia, Pa., March 8, 1900.*

MY DEAR BROTHER GOMPERS: Your communication of the 5th instant has been received. We note that those who are opposed to the effective amendment of the eight-hour bill, and who appeared before the House committee, are resorting to every artful subterfuge in support of their specious pleadings to permit them a continuance of the privilege to violate the Federal eight-hour law. Nothing else could be expected of them than to profess a woeful ignorance of actual facts where the latter clash with their private interests in public affairs.

It is impossible for me to give you the number of cities and towns where the building trades in general now work eight hours a day. But the carpenters to date have the eight-hour day rigidly enforced in 121 cities and towns of the United States.

We are crowded with work. Our organization is at white heat with its renewed growth and a multitude of trade movements on hand.

Will write you more fully when I get breath. .

Yours, truly,

P. J. MCGUIRE.

UNITED MINE WORKERS OF AMERICA,  
*Indianapolis, Ind., March 7, 1900.*

DEAR SIR AND BROTHER: Yours, inquiring as to what extent the coal mining in this country is done upon the eight-hour day, received and carefully noted.

According to the joint contract entered into January, 1898, between the miners and operators of western Pennsylvania, Ohio, Indiana, and Illinois, all of these places have been working eight hours ever since; and at our last joint meeting, held in this city January of this year, the operators representing the same interest had no desire to go back to work more than eight hours, and the contract was renewed. The miners of Alabama and a portion of Kentucky and Tennessee and all of Iowa are working eight hours, and I don't know of a single place where employers of coal mines have complained about not getting sufficient coal since the eight-hour day has been in force. Up to the present time many of the mines are not working half of the time; that is, they are not working three days a week, for the want of orders.

With kind regards, and wishing you well, I remain,

Respectfully, yours,

W. C. PEARCE.

MR. SAMUEL GOMPERS,  
*President American Federation of Labor, Washington, D. C.*

AMALGAMATION ASSOCIATION OF IRON, STEEL, AND TIN WORKERS,  
*Pittsburg, Pa., March 15, 1900.*

DEAR SIR AND BROTHER: In answer to your favor of the 5th instant, would say the eight-hour workday is practicable in all rolling mills, and has been in vogue for many years in sheet and tin mills. There are also quite a large number of puddling and finishing mills working the eight-hour turn, which is now giving, and has been giving, universal satisfaction.

The number of skilled sheet and tin mill workers probably number 8,000, and the same number can be attributed to puddle and finishing mills.

In steel mills the shorter workday has proved practicable; and it was reported in the press of the country a short time since that the Carnegie Company were desirous of adopting the eight-hour system, which, if adopted, would redound to the benefit of both firm and men. In the Illinois Steel Company's works the system has been tried and proved a success.

Fraternally, yours,

JOHN WILLIAMS,  
*Secretary-Treasurer.*

SAMUEL GOMPERS,  
*President American Federation of Labor, Washington, D. C.*



AMALGAMATION ASSOCIATION OF IRON, STEEL, AND TIN WORKERS,  
Pittsburg, Pa., March 19, 1900.

DEAR SIR AND BROTHER: In the early part of May, 1899, about twenty-three employees of the Homestead mill of the Carnegie Company came to the office of the Amalgamation Association of Iron, Steel, and Tin Workers, requesting that they be permitted to organize a lodge at Homestead. We consented, with the understanding that old conditions were to remain intact. No agreements were to be broken, no demands made, and all contracts fulfilled, and on no conditions was there to be a strike. They organized a lodge that night, and every Saturday night for weeks thereafter others came until they numbered about three hundred. In the meantime I was endeavoring to obtain an interview with Mr. Frick for the purpose of showing the advantages of dealing with us, because of the new régime of the Amalgamation Association of Iron, Steel, and Tin Workers, but I was never admitted to his presence.

About the close of July the company discovered the fact that the men were organizing, and an open, avowed, and expressed effort was made to destroy the work already done and prevent others from engaging in it. Exactly how many were discharged I can not say, but all who were known to have joined us were told they were discharged, or would be if they refused to leave our organization. We sent some of them to Newcastle, Pa., others to South Chicago, Ill., and made arrangements to send some to Endsley, Ala.

Some became frightened and, giving up their connection with us, were permitted to work. I advised others, who thought the treatment of the company tyrannical, to take cards and go to work, agreeing to vouch for them at other organized mills in case they lost their jobs at Homestead. These men, all of them, had been told plainly, and with no attempt at concealment of that motive, that they were discharged, or would be, for connecting themselves with a labor organization. I had determined to institute legal proceedings against the Carnegie Company for violation of the "anti-discrimination law" of the State of Pennsylvania, but at this time Judge Gunster, I believe is his name, a judicial officer of an eastern county in Pennsylvania, decided that law to be unconstitutional, and, consequently, the matter dropped.

I write this succinct history to show that Mr. Corey's statement regarding the attitude of the Carnegie Company toward labor organizations is absolutely and unqualifiedly misleading and untrue, and request that you, as the president of the American Federation of Labor, take such steps to bring this before the Committee of Labor of the House of Representatives as shall convince that honorable and intelligent body of the unfairness and falsity of Mr. Corey's declaration as made before them. All of the above can be substantiated, and, if necessary, affidavits can be obtained from the men who were not permitted or who refused to return, and if immunity from discharge and persecution can be procured for those still in the employ of the Carnegie Company I assure you affidavits can be secured from many of them.

Yours, fraternally,

T. J. SHAFFER, *President.*

MR. SAMUEL GOMPERS,

*President of American Federation of Labor.*

Gentlemen, I read these letters not at all because they are the sum total of those who are working eight hours now or those who expect to adopt the eight-hour day soon, but simply as covering a few of the trades which were called into question before this committee.

THE CHAIRMAN. Those letters refer to granite cutters, those engaged in building trades generally, and miners?

MR. GOMPERS. And iron and steel workers.

THE CHAIRMAN. There is some allusion made to miners. How definite and full was there any statement in regard to iron workers?

MR. GOMPERS. The letters will show. Mr. Chairman.

THE CHAIRMAN. We can read them in print.

MR. GOMPERS. But on this I shall desire to add at a later stage of my remarks.

After all that has been said and done, this species of legislation pending before the committee is a continuation of the struggle that has been going on from time immemorial. It is the struggle of the men who work and whose work is unrequited; it is the struggle of the men who have had to bear the burdens of labor; it is the present struggle, in a more civilized and humane form, and it is met with the same opposition that the workers in the early days had to meet in any effort at amelioration. In the old times the question was determined by the bludgeon; later by the dirk; to-day we seek it

first by arrangement with our employers, and, in the event of failure on that line, to come to the court of last resort in our country, the Legislature of the United States.

Men were not always political slaves. In the early days, when the implements of labor were one and identical with the weapons of offense and defense, men were not made slaves; they were taken captive and killed. For to hold them captive they could not be self-supporting without at the same time being a menace to their masters, for their tools of labor were, as I said, their weapons of offense and defense. With the transition of the implements there was a division of the weapons of offense and defense. Captives were no longer put to death; they were put to labor to support their masters. From that period to the other, the feudal system, with its many hindrances to greater development, but with a great progress on the system theretofore prevailing, there was a time in the history of the then industrial country of the world—the only industrial country of the world, England—where for more than two centuries the eight-hour day obtained.

After that came the transition to free labor, or, more properly speaking, free competition and wage labor, and with it, and the thralldom of the dark ages thrown off, a new light came in: the era of machinery was introduced. For quite a period of time the machines lay dormant for the reason that there had not, up to that time, been discovered what was an essential to successful operation of machinery—artificial light. When artificial light was introduced it set the wheels of machinery revolving with greater velocity, and from the old-time hours of labor, from sunup until sundown, the whole year around, a new era was inaugurated. The hours of labor were increased so abnormally that men's lives were crushed out of them, lives and limbs were destroyed, and it came about that in a generation the physical size of the men of Great Britain diminished more than 1 inch.

From that moment that the hours of labor had reached the longest number in any one day, after the introduction of machinery and the discovery of artificial light, there came an agitation, founded upon the physical necessity of the people, to seek a reduction in the hours of labor. With each improvement in machinery, with each application of a new force—steam, and subsequently electricity—the machine rotated with greater and still increasing velocity, and though men's physical work in many instances was lightened, the constant application to one particular branch of the work was most exacting. The movement among the workers for a reduction in the hours of labor in our modern days dates from the period that I have endeavored to indicate, and with varying success for a time, but always with that one objective point in view—the reduction of the hours of labor of the wage-earners until a normal workday has been achieved or will be achieved.

I have said that with varying success this effort has been met. The first effort was made to establish a limit of the working hours to twelve per day, and during a Parliamentary inquiry one of the members of the committee asked one of the advocates the question, "Why seek a law to limit the hours of labor to twelve per day when, as a rule now, through your organization and your efforts, you have already established the twelve-hour day as a uniform system?" The answer was made, "We would have no objection if you place upon the statute books a law limiting the hours of labor to twenty-four a day;" for, while upon its face that law would be absurd, yet the enactment of such a law would be a recognition that if you had a right to enact a law limiting the hours of labor to twenty-four a day you would have the same right to limit them to twelve or ten or eight.

We have tried to secure the passage of laws in the various States and various municipalities, and we have tried in the General Government. We have succeeded in a measure in having a law passed, or several laws passed, by Congress upon the subject of the limitation of the hours of labor. That has been already covered by gentlemen who have addressed you, and I shall not unnecessarily take up your time by traversing the same ground, but it is necessary that I should refer to the last law passed, which was passed in 1892.

I think both the advocates and the opponents of this bill will look in vain for a record anywhere, or a reference anywhere, to how the words "upon public works" were brought into the law of 1892: that is, no record, so far as we can discover, exists as to how these words came into the law. We know of no one who knows how these words came into the law, and take those words out of the law and to a very large extent you have the purposes that are covered by this bill; that is, the words "upon public works" were used for the first time in Federal legislation limiting the hours of labor and placed upon the law a limitation of which we then had no knowledge or conception. We were then persuaded that the Government's jurisdiction over its works followed its interests therein.

It was, I think, twenty days after that law went into operation that the then Attorney-General, Mr. Miller, rendered his famous decision upon that subject, which has

been handled so very often and discussed so very often that it needs no argument at my hands, except simply to say that these words being discovered as being in the law and the interpretation being put upon it by the Attorney-General simply robbed us of much of the value that we were under the impression was in the law of 1892. However, as soon as we learned the true meaning of the law as interpreted by Attorney-General Miller and administered by the officers of the Government, we immediately proceeded to the Halls of Congress and sought relief from what we believed was a wrong committed against us to secure the rights to which we believe we are entitled. The present bill is the result of more than five years of thought and study and effort.

It was before the closing hours of the Fifty-third Congress when certain amendments to the present eight-hour law were proposed, and I believe of the members of this committee who were then members of the Committee on Labor were the honorable chairman of the committee, Mr. Gardner, and Mr. McCleary, and it was in those closing hours when the committee was just about to vote on reporting the amendments when a new thought was expressed upon this eight-hour law; and it was, and I say it without any desire to pay any particular compliment to any man, and certainly not to flatter, it was the idea expressed by the honorable chairman of this committee, who was then a member of the committee, that by the methods he then suggested we could make an eight-hour law effective and that perhaps the means by which we had sought to secure an amendment for an eight-hour law would be ineffective. We accepted the idea, but it was too late for that Congress to consider, and we requested that the committee report our amendments favorably in the hope that it might pass Congress and then perhaps at a later day secure such change in the eight-hour law as would conform to the best interests of the Government and the people, and particularly those who worked.

We insist that a reduction in the hours of labor is demanded upon every ground that one can conceive to be the welfare of the people of this country, the Government of this country.

The Government has the same right, we insist, to say how many hours of labor the workmen shall be employed upon any work for the Government as it has to specify the tensile strength of iron or steel which shall go in the building or construction of a ship; that the Government in following out its policy of being first a fair employer and, secondly, looking out for the purpose of securing the very best possible work it can, either in the employment of people directly or through a contractor or subcontractor, has the right to say, in so many words or by inference, "We believe that when men work eight hours a day they are physically and mentally better able to do the work required by us, and for that reason we insist that they shall not work more than eight hours a day upon that work."

Mr. McCLEARY. I do not want to interrupt you, but since that remark about the interpolation of certain words I have been trying to read the act without those words in it and make some sense of the act. I would like you to tell me what the act did say. I have been trying to read that without those words in it and make sense of it, and I have not succeeded in doing it.

Mr. GOMPERS. We have been asked, "How far does this bill go; how far do you want it to go?" If we are candid, and we desire to be, as to how far we would like it to go, we would answer, "Until it reached every man, woman, and child who works in the United States," and I trust that that statement will be broad enough and comprehensive enough to suit the opponents of this bill.

The only limitation that we put upon our desires is our ability to get. We hope that this bill will have the effect of aiding the movement to reduce the hours of the working people of our country—all of them.

Mr. CUMMINGS. If you will allow me, right there. The object of this bill, as I understand it, Mr. Gompers, is to perfect the legislation that you failed to perfect when the original eight-hour proposition in regard to contracts was passed?

Mr. GOMPERS. Yes, sir. It is really what we believe to be an effective bill to accomplish the purpose of the legislation of 1892.

Mr. CUMMINGS. That is what I understand. And that legislation failed because of the opinion of the Attorney-General?

Mr. GOMPERS. Principally, and partly through the workings of the bill.

Mr. CUMMINGS. That is what I suppose Mr. McCleary wants explained.

Mr. McCLEARY. I do not want to interrupt the thread of your argument, but it was news to me. I heard it the other day for the first time that certain words had been interpolated. Of course every right-minded man would object to that; and then comes the question of fact, whether they were interpolated. When Mr. Gompers brought that up it reminded me I ought to look into that question, and I fortunately found the bill here and read it, trying to make some sense of it without those words in it, and I can not see how it could be worded without those words and mean anything; and Mr. Gompers, whose ability and high standing, and all that, I have great respect for, undoubtedly will make this clear, and I want it clear.

Mr. CUMMINGS. Was it charged that the words were interpolated after the bill was passed?

Mr. GOMPERS. I think not.

The CHAIRMAN. No; because the report of the committee recites the bill with those words in it.

Mr. GOMPERS. I made this statement as to the hope we have for the eight-hour work day being universal, and I want to make it as broad and comprehensive as I could find language to employ. I say that while we have our hopes, while he wave our day dreams, yet we are practical men, and some say that we are eminently practical; that is, we want to get what we can, and we do not believe that we can get or ought now to make a request of Congress to extend the operations of the law beyond what we contemplate in the bill, and that is to apply, first, to all laborers, to all workmen, to all mechanics, to all employees directly employed by the Government. Second, to all workmen, mechanics, and employees employed by the contractors or subcontractors who are employed upon the work done for the Government.

Mr. CUMMINGS. No one outside; no one who is not working on Government work?

Mr. GOMPERS. No, sir. We do not want the law to apply to any workman who is not working on Government work or work for the Government. We include the subcontractor in the provisions of this bill, because, if we did not, we would find the contractor obtaining the contract from the Government and he would simply be a figurehead, a man of straw; he would subcontract the work to the real builder.

The CHAIRMAN. Is it not a matter of fact in the building trades now, in putting up a building like the usual Government building, that the entire building is subcontracted? Does the contractor do anything except subcontract the work; does he not begin to contract for the digging of the basement, and then contract with the stone man to put the basement in, and contract with somebody for granite, and doesn't he contract all of it?

Mr. GOMPERS. Very generally, sir. We do not want the bill to apply, nor do we believe that anyone will honestly contend that the bill applies, to the purchase of things in the open market. We have heard gentlemen presuming upon the intelligence of the committee, or perhaps the hope of diverting attention, say that the bill applies, not only to the purchase of a nail but the iron ore that goes into the nail; not only building ships, not only making overcoats, but even the grass and the seeds that the Government purchases. If there was any attempt to get down to the absurd it seems to me that that was the successful effort. Who asks for such a proposition? Did you hear any advocate of the bill claim it? Does any member of the committee argue it? Does any member of the committee advocate it? The opponents of the bill try to make the provisions of this eight-hour bill so wide and so universal as to kill it with kindness. We contend that there is all the world of difference in a contract to deliver supplies and to contract to build or construct a vessel or any other requirement of the Government other than those things which can be supplied in the open market. And, further, if there were any contention about that, I should say that the amendment offered by Senator Lindsay to the bill of last Congress (the then House bill 7389) would cover that ground and eliminate that opposition.

Mr. McCLEARY. What was that amendment?

Mr. FURUSETH. It shall not apply to those things bought in the open market.

The CHAIRMAN. It is on file here. It is incorporated in a bill introduced by Mr. Sulzer and referred to this committee.

Mr. GOMPERS. And, so far as the railroads are concerned, and the application of them, I would say that the amendment offered to the bill by Senator Gear in the Senate Committee on Education and Labor provides against that, and we would say that we would have no hesitancy in giving our assent to that amendment before this committee. And, let me add, we do not readily assent to these amendments because we like them, because if our desires were taken into consideration, I repeat, we should have that eight-hour law applied to all.

As a matter of fact, gentlemen, the witnesses who appeared before this committee in the main have proven some things beyond the peradventure of a doubt, and they are the very things that we do not claim. You will notice that there is a marked unanimity of opinion in regard to some things on the part of the witnesses who have appeared. All the witnesses who have appeared before this committee in opposition to the bill say that they have the best workmen in their respective trades; each particular witness has the best workmen in his particular line of business. Another thing they agree on is that each of them is paying the highest wages in his trade. But upon every practical question upon which the principles of this bill hinge, every witness has contradicted the other and many of them have contradicted themselves. We have heard that it would destroy foreign trade; it would destroy any opportunity for the growth of our foreign trade. Gentlemen, it was disputed here time and again, and I

have the utmost regard for both the sincerity and the intelligence of Judge McCammon, who appeared as one of the counsel in opposition to this bill; but I think it is a misapprehension of the facts, or my intellect is so dull that I can not comprehend the meaning of plain terms. He and I seem to have gained different notions of what Mr. Cramp said before the Senate Committee on Education and Labor at its hearing upon this very bill in the last Congress. Permit me to read from his testimony:

[Page 23 of Senate hearing.]

"The CHAIRMAN. I will put two or three questions to Mr. Cramp. The first question is, as to the contentment of the employees; the second, as to the practicability of letting subcontracts under the application of the eight-hour law; and the third, as to the possibility of replacing shifts of men.

"Mr. CRAMP. In my experience, which runs over a period of a good many years—from the time I was 19 years old—I never knew one of our men to advocate this question of eight hours for a day's labor.

"Mr. PERKINS. How many men have you in your employment?

"Mr. CRAMP. About 5,000 now. We will have 7,000, perhaps, in a short time, if there is no disturbing element introduced. I have been in the business as a working-man, as a manager, and as an officer of the company, in one way or the other, since I was 19 years of age."

This is really where I ought to have begun:

(Continuing.)

"Mr. GEAR. You have recently done some work for Russia?

"Mr. CRAMP. Yes. In this Russian business we had to compete with Germany and France and, to some extent, with England.

"Mr. GEAR. Would the passage of this law interfere with the construction of those ships?

"Mr. CRAMP. Yes, sir; we could not have one set of men working ten hours a day and another set of men working eight hours a day for the same pay.

"Mr. GEAR. You would have to apply the same rule of labor to all of them?

"Mr. CRAMP. Yes, sir; we competed with Germany and France. The minister of finance in Russia desired that France should build these ships that we are going to take. He said France was a great holder of the Russian loan. His argument was an exceedingly good one. The French bankers came there, and the shipbuilders themselves came. They wanted a share of the Russian work, and so the minister of marine of Russia invited the friends of these bankers to send in proposals. The French wanted six months to prepare the drawings, to give the price, for the ships we are going to undertake to deliver in thirty months. We gave the price without a drawing, simply having a letter covering the general specifications, and we are going on with the work and with the drawings at the same time.

"As we have our own way in the work and no retarding inspection methods, we expect to deliver the ship in thirty months. The French wanted five years, and the Germans and Russians wanted more money and longer time."

Mr. McCAMMON. You had better finish that paragraph.

Mr. GOMPERS. The Germans wanted more money and a longer time.

(Continuing to read from testimony:)

"We secured these vessels because we could build them at a little less than they could and in a shorter time; but if we are to have an outside interference with our business by people who have no responsibility—a business that has taken three or four generations to build up—we might as well go out and get a basket with a pole and nail on the end of it."

Before continuing another question that has been asked and answered, let me say that you will observe the first part is a statement of fact—what he did secure—and the other is a matter of opinion that might occur. My statement in saying that Cramp, in the testimony and in the argument made before the Senate Committee on Labor and Education last year, admitted that he could and did manufacture ships at a lesser cost and in one-half the time that the French shipbuilders could construct these vessels, notwithstanding the fact that the French workmen in that line of trade worked longer hours, was based on that evidence.

Mr. FURUSETH. Twelve hours.

Mr. GOMPERS. Twelve hours, and receive lesser pay; that it did not destroy his opportunity to build these ships, but, on the contrary, gave him the opportunity, and my statement was correct and Judge McCammon in disputing that fell in error.

Mr. McCAMMON. I will only say this, with the permission of the committee: That Mr. Cramp has informed me—informed me shortly after the testimony was published, and has informed me a half dozen times since—of his entire willingness to explain what he meant; what he did say was (and he has told me that he forgot to cover this

point when he was before this committee) that he would be out his money a less time, because he could build the ship in less time; he would be out the money that was involved in the purchase of material less time than either the French or the German or the Russian Governments. Therefore he could afford to bid less. It was a question of time entirely; whereas the French wanted five years the Cramps could build in thirty months, and for that reason they could afford to take the contract at less, or a little less, as he expressed it. It was a question of time and not a question of money.

The CHAIRMAN. About what was the cost of one of those ships?

Mr. McCAMMON. The Russian ships?

The CHAIRMAN. Yes; in a general way.

Mr. McCAMMON. I have no means of knowing, but a battle ship costs between \$4,000,000 and \$5,000,000, I suppose.

Mr. GOMPERS. Let me say that the statement is in exact accord with our contention; that is, our contention that a reduction in the hours of labor means better workmen, quicker workmen; that that means brighter workmen; that it means better machinery; that it means machinery driven at a greater velocity; that it means getting out the work in shorter time, and hence you can produce cheaper and drive every long-hour country out of the world's market. If that were not a fact, where would we be in the competition with China, with the products of China? Where would we be in competition with that 6 cents a day labor with our \$2 or \$3 a day workmen? What we object to in the Chinaman is that they shall come here and deteriorate our manhood; but in the world's market they can not hold a candle to the smallest pigmy among the Americans.

But I will read briefly further from this testimony. Mr. Perkins asked Mr. Cramp another question (reading):

"Mr. PERKINS. You have also built ships for the Japanese Government, have you not?

"Mr. CRAMP. Yes. That was lower by 20 per cent than Armstrong; and the Germans were bidding also."

Armstrong, supposed to be the greatest shipbuilder now extant, could not bid against the Cramp Company. It is the false position of the old school of political economy which can not see beyond their noses. Cheap laborers do not mean cheap labor. Dear laborers mean cheap labor and the best results. Long-hour workmen are cheap laborers, but those cheap men are really dear laborers, and short-hour men are, as a matter of fact, the cheapest labor. If there is any doubt in the mind of any man here he need not go to any class in political economy for the verification of that. The facts, as they are patent to all men, demonstrate it beyond the peradventure of a doubt.

Who would think of getting out a 64-page paper for one single issue, as we see the product of a morning paper quite often? Yes; I have seen, I think, an issue of 100 pages. Think of it, of anything like that being done by 6 cents a day laborers; it being gotten out by 6 cents a day laborers. Electric railroads. Imagine their operation in countries where the laborers earn 6 cents a day. Imagine steam railroads, thousands and thousands of miles, traversing from one end to the other end of the continent within a few days, operating successfully financially in a country where the laborers earn 6 cents a day. Think of the homes of the workers, where the toilers earn small wages and work long hours, and compare them with the homes of the workers in America. Look at the comparative intelligence of the men there and their productive power, their consuming power. And, after all, what is the purpose of production? Is it simply that we may produce piles of goods and wealth, or is production carried on with that one purpose of use and consumption? The consuming power of long-hour workmen as compared with the minimum—the consuming power of poorly paid workmen—need not even be stated, for it carries with it its own answer.

A short while ago I read a statement by the honorable Commissioner of the Department of Labor, Mr. Carroll D. Wright, in which he compared the great horsepower now employed by the people of the United States in production and distribution; I think it is somewhere in the neighborhood of 400,000,000 of people. He gave a detailed statement of the increased productivity of each laborer in the United States now as compared with twenty years ago. If I have your permission, and can find that statement, I should like to include it in my remarks, for I think it will be a most remarkable showing as to the wonderful increase. We have so long regarded man the worker as a wealth producer that we have brutalized our sensibilities until we hear statements made, before this very committee, that manufacturers who come here in opposition to this bill have no regard for their machinery or for their men.

Is it not peculiar how solicitous many of these employers have been for the welfare of their men? Is it not peculiar that they are so solicitous that their men be not permitted to work more than eight hours a day? They have not only appeared here as so solicitous to protect the interests of their employees against being permitted to work

no more than eight hours, but they have had the presumption to say to this committee that they represent their men; that in their name they protest against the passage of this bill, and yet they have never taken one of their employees into consultation or conference as to what the wishes of those employees are. Yes; in spite of the pretenses of these men to say that their employees do not want this eight-hour bill and are opposed to it, and that these employers appear here in their name to protest against this bill, we find that in at least two instances witnesses who have appeared before this committee have been witnesses whose employees have been out on strike in order to convince the employer that a reduction of the hours of labor is necessary.

It is said that it is none of the Government's business how long these people work; that they should be permitted to work as long as they pleased; and this morning we heard a statement that these men should not have their liberties curtailed by a limitation of the hours of their labor. You have heard these great men who have appeared here as witnesses before this committee, and who, it is stated, have risen from simple beginnings, from workmen on small wages to attain these great positions in the world of industry, and are powers of finance. I would commend to Mr. Hayden the consideration of the question of the changed conditions obtaining when these men started and the conditions of to-day, with a concentrated wealth, a highly developed and concentrated industry and machinery, and see where the opportunity comes in for a man to rise by long hours of labor. He will find that, strange as it may appear, paradoxical as it may appear, that the men who work the longest number of hours are those who receive the smallest wages in that trade. If Mr. Hayden or any other gentleman doubts that proposition, that universal law in economics and fact and life, I commend him to go to any industrial establishment in the United States, and he will find it verified.

The CHAIRMAN. You mean in the same class of employment?

Mr. GOMPERS. In the same class of employment—not necessarily, either; different classes of employment, of wage labor. You will find, for instance—I will put it in this way—two industries. Take any two industries that one can think of, and they should, of course, be comparatively of the same extension, and you will find that where the hours of labor of the employees in the one industry are longer than the hours of labor in another industry the wages of those who work the longest hours are lower than those who work in an industry where the hours of labor are less. You will find where there are two establishments of the same industry, doing exactly the same class of work, that the men who are employed at the various classes of the one trade that work the hours of labor which are the longest, that the wages of those who work in the longer-hour establishments are less than the wages of those in the establishment where the lesser hours obtain.

I say upon the surface it appears paradoxical, because we have been told so often, we have been told so frequently and with such seeming persistency, that the more you work the more you will own. The fact is the longer hours you work the less of it the worker owns. One of the reasons is that he has less time to think and to act that he may come to his own. Not only does that proposition apply to industries or any one industry; but it applies equally to different countries. It has the same force and effect in two different States in our Union. It has the same application to two establishments in any one city, or, if they be remotely removed from each other, in any part of the world.

There is a strange contrast, just a little light in a dark spot, when we come to the testimony of Mr. Hamilton Carhartt, of Detroit, who appeared before this committee. I regret exceedingly that I did not have the pleasure of shaking hands with Mr. Carhartt. He spoke of his own experience. He spoke of the result of the effort to establish the eight-hour day, and that it was made with the honest desire to see whether the eight-hour day could be put into active operation and successful operation, and he attests that the product in his establishment was never better, was never as good, was never as great; that the feeling of genial interest in each other between the employees and the employer was never so good as now, and he attributes it to the enforcement of the eight-hour day in his establishment and the organization of the working people.

Is it not fearful to contemplate that, as we have heard one witness after the other appearing before this committee and admitting that their establishments have existed from thirty to, in one case, I think, nearly ninety years, and having progressed from almost primitive conditions of industry, until to-day they are equipped with the highest development of machinery and improvements, is it not fearful to contemplate upon the fact that they have almost boastfully contended that the hours of labor in their respective establishments have not changed one minute? You may know, gentlemen, that the American labor movement had its first inception nearly a hundred years ago; that here and there, where unfair conditions might obtain, an effort was made to organize and to secure redress, if it were possible without resort to a cessation of work or a strike. In other cases a strike was necessary.

So we find the strike already in existence in 1806 in New York, and several strikes occurred within a period of ten years thereafter. But from the moment of the development of industry in this country up to the present day there has not been a cessation of one moment of the effort to organize the working people. There is, and has been, a continuity in the labor movement of America, growing in numbers, in intelligence I hope, in effectiveness I know, and in spite of these efforts, in spite of sacrifices borne by men who have suffered the privations of hunger, it has failed to have the slightest influence upon these captains of industry and powers of finance who have appeared in opposition to this bill. It has failed to have the slightest influence in changing them to have the slightest consideration for their men. Consideration for their men? No. As it was said by one of the witnesses, "We have no consideration for our machinery or for our men." And, by the way, I want to say that I honor that man's candor. You remember that when Mr. Harrah, the president of the Midvale Steel Company, was upon the stand he told you that he was not a philanthropist; that his concern was not conducted for that purpose, but that when the men were operating a machine, the life of which was ordinarily two years, for instance, if that machine was not destroyed or broken within eight or ten months he would want to know why that machine lived, because he proposed to get everything possible out of the machine and the men.

It is true that the other witnesses stated that they were very solicitous for the welfare of their employees; it is true that they wanted to convey to this committee that they had the interests of their employees at heart, but do you not know that Mr. Booth, also the representative of the Midvale Steel Company, used the very same oily, smooth statements and arguments and words, and if Mr. Harrah had not been so frank in his statements we would have upon the record that the Midvale Steel Company is just as solicitous for the welfare of its employees as are the other employers who appeared before this committee, and not that it, like they, was desirous of driving the machines and the men to their utmost capacity.

(At 1.25 p. m. the committee took a recess until 1.45 p. m.)

Mr. GOMPERS (continuing). I think it is due to you, as it is due to a better illustration of this subject, that some attention be given to the testimony of some of the witnesses and the argument of some of the counsel. I regret very much that Mr. Cramp, of the Cramp Ship Company, should have deemed it necessary to substitute abuse of the men who advocate this bill for argument in support of his contention against it.

Before reverting to that, however, I will quote a remark he made, and which is repeated by some others, that "all industry has, by common consent or usage, gone to the basis of ten hours." I do not know whether Mr. Cramp is aware that it required more than half a century of effort on the part of the working people of the country to secure even the ten-hour day. The history of the struggles undertaken and the burdens borne by the working people of the United States to convince the employers that a ten-hour day was better, more advantageous in every way, than the old longer-hour system has not yet been written.

But the statement of Mr. Cramp that all industry, by common consent or usage, has gone to the basis of ten hours is faulty. It does not conform to the facts. It is true that in his establishment to a considerable extent, and in the establishments of the companies whose representatives have appeared before you against this bill, the basis is ten hours; but it is equally true that industry has departed from that basis within these past ten years and that this departure had its inception in the labor movements to inaugurate the nine-hour day, and the eight-hour system subsequently. I might say that in the sixties there was a strike of more than 100,000 workmen in the city of New York for the eight-hour workday, and it was even very largely enforced for a time, but not for a sufficient length of time to be given a proper test, nor to secure its final establishment, for, as a rule, the employers of labor who have conceded, either by mutual consent or as the result of a strike, the eight-hour workday, they hold in mental reservation the hope, or the effort, to get back to the old régime, the old system.

It is only after the system has been given a fair test, after it has been established for a period, say, of one year, that there is not a single instance in the entire industrial history where the eight-hour day has obtained for a year or more where either the employer or employees have desired to go back, much less have gone back, from the eight-hour workday. In 1884 the American Federation of Labor, being, as its name implies, a federation of the trade unions of the United States and Canada, or practically on the American continent, endeavored to establish an eight-hour workday, to go into operation on May 1, 1886. The methods employed were agitation, public meetings, public press, pamphlets; and men of known ability, economists, writers, students, were asked to contribute toward the literature upon that subject. Ministers of the gospel were asked to deliver sermons upon the question. Employers of labor were appealed to to inaugurate the system, and as a result of that effort more than a half a million of the working people of the United States secured a substantial reduction in their hours of labor, many of them going to the eight-hour system.



It is within the recollection of the members of this committee that the employees on the street railroads of our various municipalities toiled from twelve to eighteen hours every day. It is well known that there are but few cities in the United States to-day where the employees work more than ten hours a day. Employees on the steam railroads of our country worked from ten to twelve and sixteen hours a day. Now there are few roads and few runs that involve the labor of eight hours in any one day. The bakers, who worked proverbially as long as they could stand, and, as sometimes I have had the occasion to facetiously state, when exhausted would lie down on their dough and rise with it—the hours of the bakers have been reduced since that period from those long, wearisome hours of labor until the rule among the bakers is ten hours a day; in some instances nine.

The printers and compositors, and all employed in the printing trade, used to work from ten to fourteen hours a day. To-day the printers and allied trades seldom work more than eight to nine hours a day. The iron and steel workers toiled from early morning until late at night, and in no branch of the industry was it less than ten hours. In many instances the hours of labor to-day are eight, nine, and ten, in some less than eight. The iron molders toiled—and by the way, when these long hours obtained in the iron and steel industry the same specious pleading was indulged in, that the industry could not be successfully carried on unless these men worked these long hours—in the iron molding, the rule was twelve hours a day. To-day it is usually eight, and only seldom nine.

In the tailoring industry the hours of labor were any time—as long a time as the men and women and children could stand or sit and work—so long as they were awake; and their hours of rest were stolen in short relays while lying down on the garments they were making. The hours of labor of the tailors to-day are usually nine, in some of the branches eight, and it has been a demand of the organization that the employers furnish workshops for the tailors; so that the sweatshop and home industry has been abolished for sanitary reasons and for reasons of economy.

Another industry, the brewery industry, perhaps not so important, it is true, as industries generally, but it is an industry in which the delicacy of the work and the importance of one set of men taking up the work where another set left off is none the less than in any other in the country. We all know that the old-time idea of the managers in the brewery industry was that the men were required to rise in the morning at 3 o'clock, work continuously until 7 or 8 in the evening, with the interruption of a few siestas for meals—luncheon and dinner—that work was thought necessary to be done on Sundays, and without this system, or by any departure from it, the entire brewery system would be destroyed, because it could not be successfully conducted. I heard it from Colonel Seifert, the secretary of the Employing Brewers' Association of New York, when he made the statement to me that the labor organizations have clearly proven beyond the question of a doubt that the industry can be conducted upon the ten-hour basis. He said it was a dear lesson that they had learned, "but the employers have been taught that lesson by your labor organizations and we admit it." And I want to say to you, gentlemen, that the brewery industry has been conducted for the past fifteen years upon the ten-hour basis, and that now there are two centers—two of the largest centers in this country where the brewery industry is carried on, St. Louis and Milwaukee—where the nine-hour day prevails generally. And we have no doubt but that we shall convince the brewery employers that eight hours is even better, more economical, more successful.

I presume that the bicycle workers can scarcely be cited, for their trade as bicycle workers has not been in existence for such a period that it can be used as a comparison; but they are machinists, screwmakers, wheelmakers, buffers, polishers, and assemblers, and these trades have been long in existence. They are the branches of the bicycle trade, and the hours of labor of these men have been reduced from twelve, until to-day ten, and many even nine hours a day.

In the trade which I have given twenty-six years of my life to, cigar making, the system was there that men worked from early morning until late at night. The organization prescribed no limitation of the hours of labor until 1884, and then we adopted the rule that ten hours should be the limit. In 1885 the convention of the organized cigar makers of the country made it a part of its fundamental law of the organization that no member be permitted to work more than eight hours a day on and after May 1, 1886. From that time until the present day the steady moral and material improvement of the cigar makers and their condition can not be measured when compared to their previous condition, and so great has been the effect of that system upon the cigar makers that within the past month 2,400 cigar makers in the city of New York, working for the firm known as Kerbs, Wertheim & Schiffer—2,000 of whom are non-unionists—have been on strike; for what? To secure the eight-hour day. The clerks, who are always required to toil in the stores from early morning until late at night, have secured early closing, or, in other words, a reduction of the hours of labor,

and within twenty-four hours a settlement was achieved with one of the firms in this city by which an additional hour has been thrown off the work of the clerks.

The coopers, the electrical workers, the engineers, the glass blowers, have all reduced the hours of their labor, and perhaps the glass industry is as good an illustration as any, in which the melting of the material that goes to make up the glass is just as delicate and essential as any process in any industry in the country, and yet the hours of labor have been reduced with successful and effective results.

The machinists, as you know, have reduced the hours of labor until they are usually nine, and as you further know, within this past two months there have been strikes of machinists in Chicago, in Cleveland, in Columbus, in New York, all for a shorter workday.

Mr. McCAMMON. How has that been resolved, may I ask you, in Chicago?

Mr. GOMPERS. In Chicago, with the machinists, there has been an agreement between the representatives of the International Association of Machinists and the representatives of the employers' association, and the nine-hour workday obtains in Chicago to-day, with the question of a further reduction of hours of labor being submitted to arbitration.

Mr. EMERSON. They conceded one hour.

Mr. GOMPERS. Perhaps it might not be amiss at this point to call attention to the fact that in this morning's Philadelphia paper we see that the carpenters of the city of Philadelphia had a meeting last night, practically to celebrate the compromise effected for 35 cents an hour in pay and the eight-hour day granted, the only question in the dispute being as to the pay for overtime. And, by the way, in speaking of pay for overtime, it may not be amiss to say a word as to the reason of this system of extra pay for overtime. A number of the witnesses who have appeared here would have the committee believe that this extra pay for overtime was granted as a matter of justice conceived on the part of the employers. As a matter of fact, extra pay for overtime, or time and a half, or double time, so called, for overtime, is not the result of any concession voluntarily granted by the employers, but was a demand for which the organized-labor movement had to fight and struggle and contend. It was inaugurated to penalize overtime—not that the men wanted the increased pay, but that it should not be resorted to.

Mr. RIORDAN. Under this bill it does away with overtime?

Mr. GOMPERS. Yes, sir.

Mr. RIORDAN. Even at any increased pay?

Mr. GOMPERS. Yes, sir; but it admits that three shifts of men may be employed for the entire twenty-four hours, and, of course, in an emergency, in case of war or great damages by flood or fire, longer hours than eight may be required or permitted where one or two shifts of men work.

Mr. RIORDAN. A man could not be employed on one eight-hour shift and on any part of any other eight-hour shift under this bill?

Mr. GOMPERS. No, sir; except under the emergencies I have referred to. But the idea of this extra pay for overtime has been contended for and penalized in order to avoid overtime, because it seems that when what is known technically as straight time is paid for overtime, the overtime has become the general rule by lengthening the daily hours of labor.

Mr. RIORDAN. Isn't it a fact that in all discussions for eight hours in the past the workmen always had an agreement for extra compensation for overtime?

Mr. GOMPERS. For that reason, that I have tried to mention, in order to absolutely avoid it. To take a particular trade, my own, the cigarmaking trade: A member of the Cigar Makers' International Union is not permitted to work overtime, and that is the best penalty we could employ.

Mr. RIORDAN. No matter what compensation?

Mr. GOMPERS. That's it. It is not even attempted, except by a few cheap-John employers.

Mr. RIORDAN. In some of them they allow them to work overtime and time and a half and to have double time.

Mr. GOMPERS. As a penalty, and as a rule it is avoided. But you will observe that for the Government we provide in this bill that it shall not have overtime, except in cases of emergency, of war, fire, flood, and so forth; while with the employer we can make no such provisions, because the employer has no war. But if there be an emergency, then the workmen may work; but it is penalized in order that long hours of labor shall not become the rule.

It is not necessary that I should further refer to the railway employees. That has been covered already. I would say that in the textile industries the hours of labor have been reduced, and generally by legislation, for in those industries there is such a large employment of women and children that upon the ground of the protection and

safety of the women and children in these industries State legislation has been invoked.

Mr. HENRY. I think there are some exceptions to that. I think there are some exceptions. I think I know of some instances where the hours have been reduced by the employers because they thought they could obtain better and more satisfactory results.

Mr. GOMPERS. I believe that is true, by consent, with some employers.

Mr. HENRY. In the town I live in the hours have been reduced.

Mr. GOMPERS. That was subsequent to the obtaining of the reduction of the hours of labor by the legislatures of Massachusetts and Connecticut and Rhode Island.

Mr. HENRY. But it was prior to the passage of our present eight-hour law.

The CHAIRMAN. Did it come after the actual reduction or before?

Mr. GOMPERS. It came after. They have been brought to the courts in this manner, that the management of the companies who or which have violated the law have been brought to the courts and punished—fined.

The CHAIRMAN. As to women and children, or children only?

Mr. GOMPERS. More to children. But as one of the attorneys for the Arkwright Club—that is the association of textile manufacturers of New England—as their attorney said before the committee on labor of the Massachusetts legislature some three or four years ago, when we advocated a bill for the still further reduction of the hours of labor to fifty-five per week, if you take the women and children out of the mills you strike at the heart of the industry.

Mr. HENRY. Out of the textile industries?

Mr. GOMPERS. Yes, sir.

Mr. HENRY. That is true.

Mr. GOMPERS. In other words, when the women and children are not permitted to work more than a certain number of hours the men can not work these hours. But I want to say that that was one of our premises.

The CHAIRMAN. The case cited in Illinois this morning, I think, was that of a woman.

Mr. HENRY. Yes, sir.

The CHAIRMAN. Under most of the State constitutions the courts hold that the legislature can not deprive persons competent to contract of the right to contract, and I think the Illinois case cited this morning was the case of a woman, carried out as most favorable to the law.

Mr. CHANCE. Beatty Brothers were taken into court for employing a woman more than sixty hours a week.

Mr. EMERSON. Isn't it a fact that the Southern cotton mills have great deal longer hours than the Eastern cotton mills?

Mr. GOMPERS. Yes; and several years ago, when I was in Alabama, I accidentally came on the statement that the legislature of Alabama the day previous to my reading this paper had repealed the law that was upon the statute books prohibiting the children from working more than sixty hours a week, and the plea upon which it was passed was that it would invite Eastern capital to come into the State.

Now, that brings me back for a moment to the duck industry. That is part of it—the manufacture of duck. We heard the witnesses who appeared here, I believe, at the last session of the committee, states that 90 per cent of the duck manufacturers for the Government of the United States is manufactured by Eastern and Northern duck manufacturers, in spite of the fact that the South has longer hours of labor in the duck industry.

Mr. HENRY. Referring to conditions in New England, we have had for quite a number of years a law upon the statute books prohibiting the employment of children under 16 more than a certain number of hours. Or, in other words, they are required to exhibit a certificate that they have been at school for a certain number of days in the year, and we have a State agent to see that that is enforced. It has been very beneficial, and the manufacturers themselves would not care to have it repealed. They were very much opposed to it in the beginning.

Mr. GOMPERS. And I want to add this to the statement of Mr. Henry: I have the honor of the acquaintance, and I hope the friendship, of Mr. Elbridge T. Gerry, for many years president of the Society for the Prevention of Cruelty to Children, and he assured me that it was due to the labor organizations of New York not only that these laws were passed, but also that they were enforced. And there is scarcely a session of the Federation of Labor of the State of New York at which either Mr. Gerry, the president of the society, or some representative of that society is not present.

Mr. FURUSETH. The passage of that law by the legislature was opposed?

Mr. GOMPERS. That, I suppose, is a friendly question, but it is nevertheless true. The passage of these laws that would "take the heart out of the industry" by compelling children to attend school was opposed.

Hurrying along, because I do not want to take too much time, I want to refer to the statement made by Mr. Cramp. I stated that he has indulged more in abuse than argument, and I am sorry for it, for a man of his standing as one of the captains of industry and powers of finance ought to have been content to submit this question upon fair evidence and fair argument without aspersing the methods of its promoters; for, while you have a right to doubt our motives and our sincerity, we submit that that same right is reserved to us, and it is the most difficult thing to determine what a man's motives may be. Simply that we have been consistent in our efforts to reduce the hours of labor of the working people, and the results have demonstrated it to be economically, socially and politically, and nationally to our advantage, ought to stand something for our purposes and our motives. He says:

"This bill is urged by a class of men who do not work."

Men who do not work! Who are they that urge this legislation? I hold in my hand a list of organizations affiliated with the American Federation of Labor, the last one; that is, the last issued, of February 14, 1900. There are 77 national and international unions, brotherhoods, with 1,230 local unions in the United States. There are nearly 950 local unions of different trades which have no national or international union, with an aggregate membership of nearly 1,000,000 men. And I challenge any man here or elsewhere to show that any local organization, city central body, State convention, or the national convention of either of these nationals or internationals, or any convention of the American Federation of Labor, did not as zealously, earnestly, and emphatically as possible place themselves upon record as demanding a reduction in the hours of labor. "These men who do not work!" says Mr. Cramp. Are any of the men who appeared before this committee during your hearings, or during the hearings of your predecessors in previous Congresses, men "who do not work?" Shall I refer to Mr. George Chance, who has been a journeyman printer for more than forty years, and who, simply because of his ability as an earnest advocate of the rights of the poor, has been selected to come here and urge upon you gentlemen the necessity for this legislation? Can a man who has given forty years of his life to day work, to wage labor, be considered a man who does not work? Can it be Mr. Andrew Furuseth, who has been a seaman and fisherman for—

Mr. FURUSETH. About twenty-five years.

Mr. GOMPERS. For more than twenty-five years. Can it be Mr. Thomas F. Tracey, who has been a cigar maker and wageworker for more than twenty years; can it be Mr. Gabriel Edmonston, who has been a carpenter for forty years; can it be Mr. Henry Szegedy, who has been a plate printer and working in the Bureau of Engraving and Printing in this city since he was a mere boy, until he was ruthlessly discharged because he dared appear before Congress two years ago in advocacy of the bill for the relief of the plate printers? Or, perhaps, your humble servant, who, out of a life of fifty years, has worked twenty-six years at his trade, may be the man they mean. Can these men, exclusive of myself—can these men be regarded as men who do not work? Just as well might we say that Mr. Cramp does not work.

Mr. McCAMMON. Twelve hours a day?

Mr. GOMPERS. Yes; twelve hours a day.

Mr. McCAMMON. That is what he does, though?

Mr. GOMPERS. He says our sole occupation is agitation. Well, I do not know whether we could say that we are guilty or assert that we are innocent. I, for myself, should say that in the vulgar acceptance of that term we are not guilty, but in the general and true sense of that term that appellation is right. We agitate. We believe that agitation on high, intellectual lines is productive of good for the entire people. Agitation—while not desiring to discuss that at length at all—it seems to me agitation is the very antithesis of stagnation, and I do not know that even Mr. Cramp would want to be placed in the latter category.

Speaking of this, it has been said this morning by one of the attorneys that you should not pass this bill for the reason that there is an Industrial Commission now investigating all these questions, and in order to obtain all the light you possibly can you should defer the consideration or the passage of the bill until the commission has reported. Now, we are deeply grateful for the suggestion, but I doubt if the committee will take that seriously. Always postpone for another term. Postpone it; defer it until you have more light—on what? Is not the entire industrial history of the country and of the entire world replete with the evidence that the reduction in the hours of labor has always been safe, has always been followed by the best results to all concerned?

It may be news to you, gentlemen, but I say it not in any desire to impose my personality on the consideration of this committee, but the President of the United States did me the signal honor to request me to accept an appointment as a member of the Industrial Commission, and I want to state to you that this very thing that Attorney Hayden this morning suggested was one of the reasons that I declined the distinguished

honor. I am sure I am not violating the confidence of the President when I say that that offer was made to me, and that it was one of the reasons that I declined; not the most potent reason, but it was one of the reasons, for I felt certain, as I had expressed it with my friend, that the existence of this Industrial Commission would be used as a lever to defer all reformatory legislation before the people on the very ground that was urged this morning. Mr. Cramp says that if one thing is gained we will not be satisfied; we will want another. Certainly; we want more of the things that we produce in this world. We want more of the wealth we produce; we want a larger share of the wealth that is being produced, and we do not want to have to indulge in the old-time warfare and the old-time struggles. We believe that in our own age we should resort to the means that commends itself to the minds of intelligent beings; that is, agitation, education, organization, and to seek legislation. I am sure that his attacks that he makes are so outrageous that they must be repellant to the committee itself.

Neither is it true, as stated by Mr. Cramp, that the efforts of the organization are intended to bring men down to one level bed rock. It is not true. What we insist upon is that if a man is employed he is entitled to a wage that will permit him to live in some degree of comfort. We insist that a man shall receive a minimum wage if he is employed, and that minimum wage shall enable him to live as I have tried to state. We have never stated that there shall be a uniform rate or that there shall be no maximum or that the minimum shall be the maximum. We have never had any objection to the employer paying as much higher than the scale of wages as he might deem necessary or advisable. You know, I presume, that in Great Britain in the ship industry nine hours is the prevailing rule—nine hours' work a day.

Mr. FURUSETH. With Saturday half holiday.

Mr. GOMPERS. Saturday half holiday. You know, too, that two years ago there was a general strike for the eight-hour day in the shipbuilding industry of Great Britain.

Mr. McCLEARY. Are we to understand that the day is five times nine and a half of nine?

Mr. GOMPERS. No; not the half of nine; they work there—

Mr. FURUSETH. From seven to twelve on Saturday; that is five hours; five times nine and five.

Mr. GOMPERS. Fifty hours; that is right. In Cramp's shipyard the hours are ten a day.

Mr. McCAMMON. Mr. Cramp denied that; that in the winter and summer time—he said nine hours, an average of nine hours, was the prevailing time.

Mr. GOMPERS. How can there be an average of nine hours when men work ten hours the longest part of the year and then nine the remainder?

Mr. McCAMMON. During six months of the year, from October to May, is it not?

Mr. CUMMINGS. Nine and one-half hours, isn't it?

Mr. GOMPERS. That would make it nine and a half hours.

Mr. McCAMMON. I did not say a yearly average.

Mr. GOMPERS. It is from half an hour to an hour a day longer than obtains in the shipbuilding industry of Great Britain. Will anyone, except a prejudiced witness, contend that the American workman can not do as much work as his British brother? Will any man say, except an interested, biased witness, that American brain and brawn is not as good and great as that of their British fellow-workmen? Surely every evidence bears out that the American workmen are swifter in motion and quicker in thought than the workmen of any country on the face of the globe. Mr. Cramp made a very unfortunate comparison when he said that "the workman has a relation to the appliances he works with similar to that of the man at the wheel on a steamship. The man at the wheel steers the ship, but by his steering he can not drive a ship faster or slower." It is, indeed, an unfortunate simile, because the man at the wheel, if he should steer zigzag, or, as the seamen have it, make S's, makes quite a contrast to the fact if he should steer the ship to a definite point; but this is very different from the effect produced by the perfect relation of the workman to his working appliances, and the zeal that comes from additional rest and recuperation and the opportunities for it, which will go far to make appliances go faster and better and truer.

He says, "Of course, these mediators pretend to represent those who work. They may in a certain sense represent the subagitors who control the unions, but I deny that they represent the mass of those who do honest work for honest pay." Just think of it; when, without entering into the merits of the controversy, we know that quite recently there has been a most general strike in the Cramp's works for a reduction in the hours of labor, and that the men who struck for that reduction of the hours of labor are still out and unsupplanted.

Mr. McCAMMON. I think you are mistaken.

Mr. GOMPERS. I want to say this, that the good natured interruptions and suggestions made by the counsel on the other side are highly appreciated; but during the

argument it was the purpose of my colleagues and myself to studiously avoid any interruption whatever, and, while I appreciate the interruptions and suggestions, I should prefer to be permitted to go on as best I can.

Mr. McCAMMON. Oh, very well.

Mr. GOMPERS. Mr. Cramp says that "if any public man dares to expose such fallacy or condemn such outrage, the agitators threaten him with political destruction through the voting power of the unions."

Now, that is intended to show you, gentlemen, that we are trying to hold you in a sort of duress; that unless you do as we bid you we will consign you to political oblivion. That is putting it in a little more bald form than Mr. Cramp does; but let us try to put this in a fair, straightforward manner. I do not think that any member of this committee has been approached, either personally, or that he has been communicated with by wire or letter that could contain any such intimation. What I presume you have been asked, yes, urged, is that you favor this legislation; that we represent large numbers of workmen; that these workmen want it, and that the only reason they have not struck for it is that they hope you may grant it to them without the necessity of that, and they say, as you will say, as every man, as every American citizen will say, "We want this legislation; we are intensely interested in this legislation; we ask you to enact it." Right on the floor of Congress bills are passed, legislation enacted.

If you found that there was a general public indignation against a certain proposition, it seems to me that our legislators—that you, gentlemen—would hesitate to rush into that legislation. And what is it prompted by? Simply because you want to gratify the will of the people. Because you realize that unless the will of the people is gratified the chances are that the people will try to get other legislators. We simply say, "Gentlemen, we represent these great bodies of workingmen, who are organized and ask for this. And who, pray, can speak for the men who labor but the men who are organized to protect the interests of labor? I know that the employers who have appeared here before this committee have said that they came here to represent their employees and protest against the passage of this bill in their name; but, as I said before, they did not consult their employees, and the community of interest between these men and their employees is like that between the spider and the fly.

We do not want to stop machinery, nor do we want to limit production. We want the best, the highest, and the largest amount that can be produced. We want a larger share in the production of the wealth. Perhaps it might not be amiss to ask this committee to do what the Senate Committee on Education and Labor did last year, to incorporate as part of the hearing a list of the organizations of labor in this country.

Mr. CUMMINGS. I think that ought to go in.

Mr. GOMPERS. I submit it. It was submitted last year, but this is a later edition.

(The list of organizations affiliated with the American Federation of Labor, referred to by Mr. Gompers, will be found at the conclusion of his argument.)

The introduction of machinery, its improvements, and its adaptation have been of steady growth, keeping pace with the necessities of the hour.

On that we entirely agree, and say that contemporaneously with it must come a reduction in the hours of labor, affording the laborers increased opportunity, and that they should be larger sharers in the production of the wealth and sharers in the evidences of these wonderful improvements. There are some things in which Mr. Cramp and I agree; and we agree, for instance, in this additional statement:

"The cheapening of any article increases the demand for it, and such increased demand opens a new field for development, creates new necessities, and gives new employments."

That is part of our contention, and this is one of the reasons why we urge a reduction in the hours of labor. We urge the passage of this bill in order that the workers may have the increased opportunity. Wherever new desires, new tastes, and new demands shall arise, there shall be an increased demand opening up new fields for development, creating new industries and giving new employments.

The statement of Mr. Booth and the Midvale Steel Company is the very opposite of the statement made by Mr. Harrah, the president of the Midvale Steel Company.

Mr. FURSETH. The general manager, I think.

Mr. GOMPERS. President and general manager.

Mr. Booth says that his company tried the eight-hour system and the men wanted to return to the old long-hour system; and we have heard from the lips of Mr. Harrah how fair a test he gave of the eight-hour system. He said that the men were not desirous of working so hard as they were required to work under the ten-hour system; they wanted a reduction in the hours of labor, and he introduced the eight-hour system; and how did he do it? Mark you, the men did not want to work so hard. He introduced it by the men being put on the eight-hour system to work from the

moment that they started until the eight hours expired, without one moment cessation. As he testified, men were on watch, men were on guard with stop watches in their hands, noting every man, when he looked up; noted every time a man breathed—these are the words of his testimony—noted it and calculated it, without a moment to take a glass of water or to attend to a call of nature, to do anything. Everything was noted by a stop watch, and this was Mr. Harrah's conception and Mr. Booth's conception of a fair test of the eight-hour system.

He admits that the various appliances used in steel works are materially different from what they were a few years ago. He says that in the event of the passage of this law the company would positively have to decline to bid on Government work. What does Mr. Harrah say? He does not say anything of the kind. He says, on the contrary, that in the event of the passage of the law the company will conform to the law. There was never any obstacle that he had been confronted with which was insurmountable, or which he feared or could not overcome. I should prefer that Mr. Booth and Mr. Harrah should fight it out between themselves when their testimony is printed as to who is the most honest and frank.

It may not be amiss for me to say that I have here a statement showing the cost—actual cost—of one of these 12-inch shells made by the Midvale Steel Company, and the amount paid by the Government for it. I have here the statement of work and material that goes into the 12-inch shell.

For rough turning, five and a half hours; for finish and turning, ten hours; for boring shell, seventeen and a half hours; for grinding bearing on shell, one and one-half hours; turning copper band, one and one-half hours; cutting thread for plug, twelve hours; turning plug, nine and one-half hours; testing the shell, putting in plug, stamping and grading, three hours; casting, heating, and forging of the shell, fifteen hours; tempering, two hours, making a total of seventy-six and one-half hours. The payment is upon the basis of the hour system, or, as Mr. Harrah said, the quarter of an hour system. The payment to the men is—they know what money they receive upon the hour system, 30 cents per hour, or a total labor cost of about \$23.25. The total cost of the ingot is about \$20, or making a total of less than \$50. Of course there is wear and tear on machinery, and interest on money invested, etc., which is not made a part of the computation; but I have here a letter from Hon. Charles O'Neill, Chief of the Bureau of Ordnance, in which, in reply to the inquiry, he says that the latest figures for 12-inch shell of 850 pounds each, armor-piercing, are \$255.

Mr. McCLEARY. Is that the same kind of shell?

Mr. GOMPERS. Yes, sir; the same kind to which I have referred.

Mr. CHANCE. The price at the time I think this was made was nearly \$100 more than that.

Mr. McCLEARY. Do they ever spoil any of these shells in the making, or is there any loss in that way.

Mr. GOMPERS. I can not say.

Mr. CHANCE. If they do have any such loss, the men on day work have to pay for it?

Mr. GOMPERS. If there are any spoiled I can not say, but the testimony of Mr. Harrah goes to show that if there is any loss or any breakage resulting, as he says, from the disobedience of rules which results in the breakage of any product, the men have to pay for it.

The CHAIRMAN. I notice, Mr. Gompers, that you say disobedience of rules.

Mr. GOMPERS. That is to quote the gentleman literally. That is, for instance, if the men are directed, he says, to do a certain thing a certain way, even to the smallest details, and it results in a breakage or spoiling of machine or material, the men are docked. It is true, as the gentleman said, that it was insubordination, but you will remember that upon cross-examination he admitted that the insubordination was so broad that it involved everything in life.

The CHAIRMAN. Now, to adhere to the illustration for a moment. The armor-piercing shell is a modern invention, is it not?

Mr. GOMPERS. Yes, sir.

The CHAIRMAN. I mean a modern invention in the sense of acquiring the knowledge to so temper steel that it will pierce armor?

Mr. GOMPERS. Yes, sir.

The CHAIRMAN. Do you know whether there are any patents on these inventions or not?

Mr. GOMPERS. Mr. Harrah said that there are other companies who can do the same work, and I assume that it is a fair inference that if others can do the same work there is no patent upon their process.

The CHAIRMAN. That is not exactly what I mean.

Mr. GOMPERS. There is in that letter from which I quoted a price stated for forged steel 12-inch shells, which is \$123; and for cast steel 12-inch shells, \$70. Of course

the shells to which I refer, as far as the hours of labor and price of the ingots was concerned, I had reference to the armor-piercing shells. In reply to a question by Mr. Henry—

Mr. McCLEARY. May I ask one more question? If other companies can make those same things, is not it a rather remarkable profit?

Mr. GOMPERS. I should say so. But what I desired to convey by this statement is the fact that there would not be such a very great loss to the Midvale Steel Company if their employees who are working on these 12-inch shells were employed eight hours and no longer. And in any event, inasmuch as Mr. Harrah stated that that would involve a reduction of wages, it does not seem to me clear where his loss would come in, except, as he says, in the plant being idle. But there is no necessity for the plant being idle. We insist that in modern industry, with the increasing demands upon modern industry, the best economy is with three shifts of men, and then the plant will not be idle for one moment.

The CHAIRMAN. Take the modern pottery manufacturing establishments, which will run ten hours a day and then for the other fourteen hours they are idle. They do not want to run twenty-four hours a day, but it would be very advantageous, of course, if it could be done, practically to run sixteen hours. How would you divide two shifts of men to run sixteen hours? What would be the best suggestion on that?

Mr. GOMPERS. I think I would give the men—that is, at the first blush, because I do not know that I have given that matter the serious consideration which the matter demands—I would say, however, that if I could I would give both shifts some portion of the day; that is, of the daylight. I say that is at the first blush, because I think that the daylight while at work would be advantageous. I think the sun does us good, and we ought to get a little of it occasionally.

The CHAIRMAN. From 4 to 12; another shift from 12 to 8 in the forenoon, and the former would follow in the afternoon; and would, beginning at 4 o'clock as to one shift and quitting at 8 with the other, be a satisfactory arrangement for the laboring men?

Mr. GOMPERS. I think that this can be arranged either that way or as experience might demonstrate, that perhaps men would work, say, from 6 in the morning until 3, and from 3 till 12—

Mr. CHANCE. That is 6 to 3; nine hours, with an hour off for dinner.

Mr. GOMPERS. Six to 3, and an hour off for dinner, and from, say, 3 to 12.

The CHAIRMAN. Three to 12—

Mr. GOMPERS. And say, for instance, in the course of a week or the course of a month change the shifts so that other men would work the day and others the evening. It is now done with men who work in two shifts.

In reply to the question of Mr. Henry, I shall only quote that certain portion of it which is material and to the point. Mr. Harrah says:

"Now, as I understand what you have said, you would elect to do Government work and to give up outside work."

Mr. Harrah says:

"No; I would put the burden where it belongs, on the backs of my men. I would not give up either work. If you compel me to work eight hours, I will pay my men eight hours, and my men understand that."

Well, we understand that too, Mr. Harrah's men, many of them, are members of our unions. I am glad to say that he does not know it, for they might come under the process of the executioner and lose their heads. But it does not mean a reduction in wages. It may for a while. I know of workmen who have voluntarily consented to a reduction in wages in order to have the shorter workday, the eight-hour workday, introduced. They knew that without injury to any one wages would rise per hour, per day, per piece.

Replying to the question of Mr. Caldwell as to whether he thought the eight-hour day would eventually be reached, Mr. Harrah says: "Yes; and I think it will be reached in my time."

And in that we agree with him, too. He says, opposed to the bill as he is, that in the event of its passage it will not interfere with his competing for Government work. He will remain in the Government business; but he says "we all work too much." Let me quote his exact language; let me read his entire statement. In reply to Secretary Herbert, he says:

"Mr. Secretary, in economics I am a free trader; in politics I am a Republican; in religion I am an Episcopalian, and in theory I am a socialist."

Mr. McCLEARY. That was said rather facetiously, don't you think?

Mr. GOMPERS. Rather, I think; and he adds, "I am following the lead of the President." Then he goes on, "Now, I believe it is only a question of time when we will have an eight-hour labor law; but it will not be a law on the statute books, it will be a custom—that is to say, we all work too much."



And if there is any evidence at all by a man's appearance no one will dispute that this is really the case with Mr. Harrah. "We all work too much." Some years ago when Herbert Spencer came to this country upon a visit, he, keen observer, profound writer and sociologist, sounded the keynote, that the American workingmen work too much, and he preached, and asked his hearers to go out and preach, the gospel of recreation and leisure. Perhaps if Herbert Spencer had lived to come before this committee and urged the passage of this bill he would have been denounced as one of the men who do not work, and as a demagogue. Mr. Harrah says that the eight-hour day will come in his time. I hope so; I believe so. And we propose to assist in having it come in his time, for I fear that if he goes on at the present rate even the passage of this bill before the adjournment of this session of Congress may not come to pass in his time.

His only puzzle is, as he says, the open hearth. With that out of the way everything would be clear-cut. It is not often that the members of the committee have a chance to read detailed matter, and I shall therefore ask your consideration that I may read, as swiftly as I can, a statement made by Mr. M. M. Garland, ex-president of the Amalgamated Association of Iron and Steel Workers. Mr. Garland was president of the society for many years and has the largest experience of any man in the country in the iron and steel trade; more experience than all the men of the iron and steel manufactories who appeared here as witnesses before this committee in opposition to the bill. He says:

"I will be very willing to answer any questions relating to iron, and especially those asked by Hr. Hayden. I want to say this, Mr. Chairman and gentlemen of the committee, that there has been a great deal of attempt made by people, by owners of mills, and representatives of owners of mills and manufactories, to come here and instill the idea into your minds that there is a whole lot of complicity about the operation of a rolling mill, and that one man has to take hold of a thing and follow it from the beginning to the end in order to secure entirely satisfactory results. That is an entire mistake, gentlemen. I want to say to you that a rolling mill is a sort of continuous performance arrangement, and the most economical operation of rolling mills and iron works of all kinds, and the best results from practice have been from a constant operation of twenty-four hours, and the shorter the hours the better has been the kind of work and quality of it.

"I have had the pleasure to represent, or, rather, to be the representative of, the iron and steel workers for nearly eight years, and I spent my whole life in rolling mills prior to that time, and at the most skilled positions. My father and grandfather were in the business before me, and I know the business, not alone by theory, but by practice; and I propose to say just what can be done, and I ask you gentlemen who are here representing the iron and steel manufacturers to controvert it if you can. The practice in iron and steel mills is coming to eight hours very rapidly. The question came about in this way: In 1884 the sheet-mill industry that was operated ten hours was desired to be operated twelve hours, because there were a few hours, you see, there that the furnaces and rolls were not employed. The manufacturers and workingmen came together, which we do every year with fair manufacturers. We hold our annual conferences in rooms like this, with the manufacturers on one side and the working people's representatives on the other side. We make a uniform scale for all those mills; we sign it up and try to get out good work.

"We agreed at that time, as an experiment, that we would work eight hours on the sheet mills. Prior to that time they had been making seven heats in ten hours, each turn seven heats. To-day, gentlemen, the practice of all sheet mills is eight hours and nine heats per turn, and three turns in twenty-four hours; the same amount of work in each heat, but an addition in twenty-four hours from fourteen heats to twenty-seven heats. That is the actual practice and the uniform practice. It is so in tin mills. We have gone into the puddling industry, which has never, prior to within the last five or six years, attempted the eight hours, and they found it feasible, and are working it that way in a large number of puddling mills in the country. The steel works did the same thing. Yet representatives of the steel works were before you here in June—the Carnegie Steel Works; they stated to you that they operated three turns from 1885 to 1890; that they had quit operating in that way. The manager of that works did not give you the reason of impracticability as being the cause of quitting. If you will turn to his evidence in your books you will find he said, in the first place, their competitors were not all working that way—it was on account of competition—and that the men had asked to go on the twelve hours.

"There never has been an example yet in which men who were organized, on the side of employers or men, either—there never has been an example of going from eight hours back to ten hours or twelve hours. But the manufacturers who did not

deal with organizations, who used to deal with it and afterwards refused to deal with it, reduced the wages to the point where men are glad to ask for twelve hours in order to secure a living, and the advantage accrues to that employer because his competitor does not know his wage price; and his reason for leaving the organization and getting into that rut is to cover up to his competitive manufacturers the price he pays, because our scales and prices are uniform for the same particular work throughout the United States, and it is an open secret to competitive manufacturers what these wages are after they are signed, because we meet in conferences, and each and all of us come from them and all know the situation.

"There have not been an employer or representatives of employers who worked union labor in their rolling mills before this committee; and let me say some of the largest steel works in the country are operated largely on the eight-hour basis. The Illinois Steel Works, for instance—I think they have a capitalization of about \$50,000,000, something like that—are operating in nearly every department largely on the eight-hour basis. Our organization does not cover the laborers out in the yards. We have embraced in our organizations skilled workmen, as a rule, but the eight-hour system there goes down from the most skilled position to the man who wheels the metal in out of the yards into the works.

"Mr. LINDSAY. Does not Carnegie employ union labor?

"Mr. GARLAND. He does not; has not since 1892.

"Mr. LINDSAY. Since the Homestead riots?

"Mr. GARLAND. Yes, sir. Gentlemen, I want to say this: There is no part of the work in these mills that can not be taken off of one man's hands by his successor and brought to a conclusion as satisfactorily as though the man had stayed with the work. To prove to you that this is so: In the Carnegie works, for instance, in the particular department that makes the armor plate, the open-hearth furnaces melt all plate that goes into armor plate, and largely ship plate, too. The open hearths are worked on the twelve-hour basis. Remember, furnaces do not work the same all the time. They run slower some days and some weeks than at other times; do not melt as rapidly.

"The number of heats put out in these open-hearth furnaces per week average from 10 up to 18. The men change on the minute of twelve hours. A mathematical calculation will prove to you that this being the case there must be different degrees. The heat occurs in almost every hour of the day because of this difference in the run for a week, and, as a consequence, that men now on the twelve-hour system change at any particular degree of the heat or any particular time in the melting operation of a heat: They can change necessarily on twelve hours.

"Mr. LINDSAY. Without regard to the condition of things?

"Mr. GARLAND. Yes, sir; without regard to the conditions; and any man who worked at the mills will come and give you that evidence. There is no use trying to mystify you, gentlemen, on these things. What I want to tell you is that any part of it can be successfully taken up by the successor and as successfully carried out as though the predecessor had stayed there. It is a man's business to know his business when he goes in there.

"Mr. LINDSAY. Is there skilled labor enough to furnish the three shifts?

"Mr. GARLAND. Undoubtedly; there are hundreds of men idle to-day, skilled laborers; hundreds of them who are walking the streets looking for work. To show you this is the case, oftentimes it occurs in a mill that is running only one turn—single turn—that they want a double turn; they can get the men in twenty-four hours in any part of the country. In our union mills at times it occurs that the firm may not have as much work as they desire to do, and for that reason will want to go on to two turns; for instance, work sixteen hours. They drop the men off; or, if they have been working two turns right along, say on the ten-hour system, and want to go on the eight, they have no difficulty in getting men immediately. The country is full of skilled workmen.

"Mr. TURLEY. How do they pay, generally: by the hour?

"Mr. GARLAND. In the union mills they pay by the ton; that is, the organized mills.

"Mr. TURLEY. You do not pay by the day, but by the quantity, in weight?

"Mr. GARLAND. In some of our places we have day and in some ton work. The employer thinks, and so do we, that the best results are from ton basis.

"Mr. LINDSAY. Pay by results?

"Mr. GARLAND. Yes, sir. There is one other point that is made strong here, and you seem to have placed some credence in it; the evidence would indicate that you think this point is all important. That is the point of competition. We are rapidly getting out of the competition in rolling-mill work entirely, so far as giving that material to the Government or public is concerned. If the Government wants armor plate to-day, the Carnegie Steel Company can make that armor plate against all comers, and they can take it at a profitable rate, and Bethlehem can not make it at their

cost, and I think that is pretty nearly demonstrated to a practical man by reading the report of ex-Secretary Herbert on the cost of making armor plate.

"To prove that this is so, within the last few weeks the Bethlehem has sold to the Carnegie Steel Company its entire steel plant, giving as a reason that they can not compete with Carnegie. Where does the Government go for competition, then? How do you get an economical price? You simply take what they bid at. If it comes down to ship making, we are led to believe here, from the statements made, that the Newport News Company can go in against all competitors and win. Cramp is a little back, in so far as the machinery, etc., in his plant are concerned, and as a consequence can not compete, taking it largely upon the statements made by the gentlemen themselves before your committee in June. But there need not be necessarily any friction between the Newport News Yard and the Cramp Company in building ships. There may be apparent competition.

"It is sometimes good policy to have apparent competition, but it does not prove that the competition exists. The Government may get two prices, and pay them pretty high prices; and, so far as the Union Iron Company on the Pacific coast is concerned, I will leave it to the good sense of the gentlemen on this committee whether there is any competition between putting up a ship in San Francisco and putting one up in the East. With thousands of miles intervening, gentlemen, there is a cost of a very large profit in freight alone, a very large profit. As a consequence there is no competition whatever. If there is a ship to be built on the Atlantic coast, the people on the Atlantic coast get it to build, and if there is one on the Pacific coast, they can take it against all comers.

"Mr. PERKINS. Not to exceed 4 per cent. That is mandatory in our appropriation bill—that one should be built, or two, as the case might be, on the Pacific coast, provided the cost did not exceed 4 per cent over that which it could be built on the Atlantic coast for.

"Mr. GARLAND. I submit this: That the freight between here and there would be \$20 a ton.

"Mr. PERKINS. Ten. They have a special rate of \$10; they have a special contract—the Union Iron Works.

"Mr. GARLAND. From Pittsburg it runs as high as 85 and 90 cents on some classes of iron. Further than that, we are getting into the place where there is no competition in any line, so far as that is concerned. To convince you of that fact, I hold in my hand now a list of trusts, and this goes to demonstrate to you also the statements of my colleague here—that the conditions of the worker are not as they were at the time of the adoption of the Constitution, and that the condition of the worker now demands some relief from the Government, because of the fact that we are driven into a place where there is no longer a local market. I hold in my hand here a statement of the trusts which have taken out charters in the State of New Jersey from 1882 till the present time, and I think there are 33. They represent \$1,115,950,000 as combinations; 33 combinations, remember.

"Mr. CAFFERY. Within what time?

"Mr. GARLAND. Within the last sixteen years. More than that, within the present month [this was the month of December] no less than 4 great industrial combinations for mutual protection and benefits have filed articles of incorporation with the secretary of state in Trenton, N. J. The capital stock of these 4 organizations aggregated \$185,000,000—4 of them.

"Mr. LINDSAY. Are they employers of labor?

"Mr. GARLAND. Yes, sir."

The point I want to call to your attention, gentlemen, is this: That here is a man of experience, who has worked in the mills all his lifetime, and his father and grandfather before him, and who for eight years as president of the organization of the iron and steel workers of the country, and before that as assistant president in that organization, was necessarily traveling from place to place in order to see the real operations of the men at work, meeting representative manufacturers of the country, the Carnegie Company included, until 1892, and he tells the Senate Committee on Education and Labor (and through me now tells you) that that which seems to these men to be a puzzle can be overcome easily, and with the twelve-hour basis of the open hearth now it is just as necessary for the work to be taken up at a certain point by other men as it would be on an eight-hour basis.

Is it credible, gentlemen—the statement made by Mr. Sperry, secretary of the Scovill Manufacturing Company, before this committee—that from 1862, when the "old foggy" methods, as he termed them, obtained in his establishment, up to this present day, when he claims he has the highest developed machines—up-to-date machines—in his plant, that only in a few instances has there been an increase in the productivity of the laborers? Is it susceptible of the credibility of any man that with all the advance

from what he terms "old foggy" methods in any plant in the country to the largest and greatest development there has only been a doubling of the productivity in a few branches of an industry? He says there has been no change in the working day; sometimes they even work thirteen hours. They have "volunteer" workmen who work these hours; but he says they are not the same men. Men who work in factories and shops know what kind of *volunteer* work it is.

What a strange story he tells about a man by the name of Dick Starrett in those days, who was a rolling mill hand, and how he came into the office with his hat off and both hands in his pockets and said, "We have got to have more money;" and he told the man that the company was just then considering the matter, and the following day their wages were increased 100 per cent, and since then there has been no increase in wages. He says that the men are paid from \$3.25 to \$5 a day in many instances. I have here a letter from the secretary of the Machinists' Association at Waterbury, in which he says:

"The rate of wages paid in the Scovill Manufacturing Company to skilled mechanics, men capable of tool making and good machinists besides, ranges from \$2.50 to \$3.75; and as regards the \$5 a day men there is only one man, and he is a diesinker in addition to his other abilities."

If there is anything for which Mr. Sperry is apt, it is for exaggeration, for, if you remember, he says that if you adopt this bill we will all go back to primitive conditions.

I realize, Mr. Chairman, that I am taking a great deal of time, and have spoken longer than I expected, but there has been so much said in opposition to this bill that I find it difficult to confine myself within the time I intended—

The CHAIRMAN. We do not want to shorten your time at all.

Mr. GOMPERS (continuing). Mr. Sperry's statement is absurd, and which we think is susceptible of being disproved. The idea that any man in our day could imagine that if all industry, to say nothing of what is affected by this bill, should come under the operation of this bill, limiting the hours of labor of workmen to eight per day, that that would drive us into barbarous and primitive conditions. It is so utterly preposterous that it is scarcely worth quoting, much less controverting.

I suppose you will recollect that he said as an argument against this bill that when Mr. Grover Cleveland was elected President it resulted in the works adopting the short-hour day and working four or five days a week, and that, of course, I presume he wanted you gentlemen, members of this committee, to take as evidence of a shorter workday; and he then said, to show the feelings of the working people as to the effect of this shorter workday, that in a Democratic district they immediately turned around and elected a Republican Congressman. How convincing.

How much more convincing is this statement of Mr. Hyde, one of the attorneys who appeared before this committee in opposition to the bill about two weeks ago—two weeks ago to-day. Upon the same day he appeared before this committee he informed me that he was advised by telegraph that he had been nominated for mayor in his own city, a Democratic stronghold, and his opponent placarded the town with the announcement that Mr. Hyde had appeared before the Committee on Labor of the House of Representatives and opposed the eight-hour bill; and you heard him admit before this committee that he was defeated overwhelmingly as a candidate for mayor. If there be any other evidence as to the feelings of people upon this proposition, I submit these two cases for your consideration.

Mr. CUMMINGS. Mr. Hyde saw me and told me that this bill was drawn up so as to force all men in the employ of companies that took Government work to work under the eight-hour law, whether they were employed on Government work or not. I would like a statement on that point.

Mr. GOMPERS. I would say that that is not what the bill provides. We do hope, and we do believe, that it will have a very large tendency to encourage the workingmen and employers to adopt an eight-hour system.

Mr. CUMMINGS. But there is nothing in the bill of that kind.

Mr. GOMPERS. No, sir; it is not in the bill. I might say personally, for myself, that I should prefer we should do these things for ourselves that we can do for ourselves rather than have the Government do them for us; but the Government of the United States in its work is our employer.

Mr. CUMMINGS. Yes.

Mr. GOMPERS. We can not strike against Uncle Sam. We are loyal citizens. We do not lack in our patriotism to our country. When Uncle Sam wants a thing done, he has got to have it done, and we have got to do it. Well, we can not go on strike against Uncle Sam to enforce reasonable changes and improvements in our conditions or to redress a wrong. How can we approach Uncle Sam? By coming to his constituted authorities, the Congress of the United States. I do not think it is necessary to dwell more than a minute upon the statements of the witnesses who appeared here on behalf of the duck industry, asking to be excluded from the operations of the bill. As a matter of fact, they are so excluded. They buy their yarn, as they themselves

testified, in the open market, for the Government work equally as for private work. When they do work for the Government it is of the same character as for private persons. And hence, I do not think, as I have said, that it is necessary to take up a minute of time, or to say more than I have upon that subject.

Mr. Campbell, of the Pennsylvania Steel Company, imagines that the bill, if enacted into law, would go back to the pig iron, would go back to the iron ore, and it has been repeated here so often by the opponents of the bill that one would imagine that that was in the bill, and it was the intention of the bill. First, it is not in the bill; and, secondly, it is not the intention of the framers and advocates of the bill. Mr. Campbell admits that the projectile manufacturers can operate and run their works on eight hours. He says a projectile firm buys some steel and works it up. They can keep it separate, of course, and run their works eight hours. He says that there are several competitors with him, among them the Cambria Iron Works, and the Carnegie Steel Company, and the Illinois Steel Company, and others. One of these, as I have already undertaken to show, works generally eight hours; and Mr. Cory, of the Carnegie Steel Company, to whose testimony I wish to revert in a few moments, says that their company is willing. Of course, Mr. Campbell says that he would not touch Government work at all, but I think that he, with the other present Government contractors, will not have any hesitation in taking Government contracts when they are offered, and when all are practically upon the same business basis. Mr. Frank S. Gannon, of the Southern Railway, spoke of the few runs on the railroad that are beyond eight hours per day. I say that, as I have already indicated, in view of the circumstances, I think that we should have no hesitancy in accepting the Gear amendment, which eliminates the railroads from the provisions of the bill. We feel confident that, as a rule, the organization of the steam railway workers will see to it that the eight-hour day is uniformly enforced.

Mr. T. M. Wood, of the Maryland Steel Company, contradicts Mr. Harrah and certain other companies, for he says—and I am quoting his words—"The American workman, with equal facilities, will do more work than his European fellow-workman." You observed that in spite of the fact that the men in his plant struck for the reduction of the hours of labor, he tried to say that he represented his employees, who were opposed to the passage of this bill.

Mr. Hyde, the attorney to whom I referred a few minutes ago, said that he represented 10,000 workmen. Well, those 10,000 workmen in his city gave him their answer. He said, too—he intimated—that this bill was dishonestly designed; that upon the face of it it lacked good faith. Of course he did not know that anyone else except what Mr. Cramp would designate as the "common agitator who does not work" he did not suppose that anyone else—drafted that bill or assisted in drafting it or conceived the idea. Our friend, Mr. Payson, last year, in the hearing before the Senate Committee on Labor and Education, said that there was no father to the bill, and he doubted if there was anybody who would claim its paternity or stand sponsor for it.

So far as the bill having a father, or so far as there being men who will stand sponsor for it is concerned, I think Judge Payson himself knows better than that now. Mr. Hyde said that it will be very easy for the corporations to stand the loss. "The poor workingman," said he "will feel the pinch." Another one of these solicitous men for the welfare of the poor workingman. Senator Higgins made what I regard as a very concise argument against the bill, and, perhaps, with the desire to be fair. He asked, "What do they want? What do they hope for from this bill?" I have tried to answer that, and I have already answered it upon several occasions; but he agrees with us, and with the statement I had the pleasure of making to this committee that "this is"—I quote him—"an issue of as great importance as was ever presented to Congress." Yes; it is. It is a question of far-reaching consequences; but the consequences and results are to the good of the people. It can not result injuriously. It is impossible to have that effect. He says, in arguing this question from a legal aspect:

"No one will pretend or claim that directly you have jurisdiction over the domestic relations, over husband and wife, parent and child, marriage and divorce, guardian and ward. Why should you, then, over master and servant?"

Master and servant. Let me say that the States have interposed to a very large degree in the question of the children.

The CHAIRMAN. How did you quote Senator Higgins there?

Mr. GOMPERS. Shall I read it again?

The CHAIRMAN. Yes; please.

Mr. GOMPERS. "No one will pretend to claim"—

The CHAIRMAN. I understand it now; that is enough.

Mr. GOMPERS. The States have very largely taken into consideration the condition of children, and it was upon the hypothesis that the State had a right to protect the

child alike from the greed of its parents as well as from the unscrupulous employer. Within our present era we are developing and overstepping lines of demarcation long held as sacred. Circumstances and conditions seem to warrant it. To-day we are living in an age of combinations and trusts, and the individual workman is as weak against the combination of wealth as would be a straw in a cyclone. It is essential that the United States Government, where it can exercise, should exercise its power to protect the weak as against the rapacity of the strong.

Senator Higgins says that you can not do by indirection what you have not the right to do directly; and yet, if you will read his testimony, his argument, carefully, you will find that he himself cites numerous cases where this very thing has been done. He then says, "Now, if you have the power to do these things, why should you do it?" He says, "Why not the States?" Then he refers to the fact that the States have the power. Gentlemen, it is the same argument we run counter to everywhere we go. Go to our State legislatures and ask for legislation of a reformatory character in the interest of the people, and in the interests of labor, and they tell you, "We can not do that; that belongs to the Federal Government; we can not do it." Go to the employer and tell him that conditions are poor, that wages ought to be higher, that hours of labor ought to be less. He tells you, "Why, I can not do it. Look at the South; look at this industry." You will always find some man, if you will point out his meanness and ask him to change he will always point to somebody else and say how much meaner they are than he is. That reminds me of the couplet about the little fleas have littler fleas to bite 'em, and so on ad infinitum.

We ask for State legislation and we are told to go to the Federal Government; we come to the Federal Government and it is contended that these things rightfully belong to the States. It does not make a particle of difference. If we come here to the Federal Government and ask for remedial legislation, we are told that these things will come when they become a custom, and not by legislation. And then we go to the employers, to their companies, and ask them to confer with us in order to inaugurate that custom, and they tell us, "If you do not get out of here we will put a boot in the place where it will feel uncomfortable." If we strike or ask that the matter be submitted to arbitration, we are told there is nothing to arbitrate. If we strike in order to enforce what we believe to be our rights, we are enjoined; and if we exercise what we believe to be our rights in spite of the injunction, we are guilty of contempt of court and are put in the jug during his honor's pleasure.

There is not anywhere that we can go for the purpose of trying to bring about some remedy, some change, some improvement but we are met by the same opposition, prompted by the same cause, prompted by the same motive, and that is to leave the workman helpless to the mercy of the employing class. I think, though, I may say that that time has gone by. The workingmen of our country have learned somewhat of their rights, and they propose to stand by them, and they have the courage to do so, too.

He says that as a nation "we have demonstrated the industrial and economical conquests of the world, and we have invaded the stronghold of Europe itself." Yes; it is true. We have, and we will continue to be the greater conquerors of the markets of the world; but it will not be done on the basis of cheap labor or long hours of labor. You can not—no nation in the world has ever become great, no people have ever conquered politically or economically the world, that were based upon poor conditions, low wages, or long hours of its working people.

How have we accomplished thus far the industrial and commercial conquest of the world—by long hours, by cheap laborers? I have got into the habit of saying something that I shall even tire your patience by saying now, that long hours and low wages go hand in hand with demoralizing influences upon the working people, tending to their degradation and the final disintegration of a country.

Our friend ex-Secretary Herbert, appearing before this committee as counsel for several of the opposing manufacturers, says that all we have to base our advocacy of this bill upon is matter of opinion. Let me say that it is not matter of opinion upon our side at all. The men who advocate the passage of this bill, who advocate a reduction in the hours of labor—it is with them a matter of demonstrated truth resulting from their own experience and observation. I am not sure he intended to cast a slur upon us who advocate the bill, but the language would seem to convey that idea. He compares the men who have appeared here to oppose this bill to those who have appeared in advocacy of it, and says that those men who have come here opposed to it show that they have been successful and that we have not.

These men, as he says, have been successful as laborers, and they are now the large captains of these industries. I want to submit that these gentlemen have not been successful as laborers. They have been successful as manufacturers, perhaps, but not as laborers. As a matter of fact, if it comes to the question of success as laborers, that

benefit lies with us, because, as a matter of fact, undisputed fact, the men, the workers, who have been organized, have been the most successful in securing higher pay, lesser hours of labor, and less burdensome and less irksome conditions. He has said that these business men were once workmen, and that they sympathize with and would like to advocate anything in the interest of labor. That does not necessarily follow that because they were once workmen they now sympathize with the efforts of workmen for the improvement of their condition. Not at all.

As a matter of fact, it is true that during the old slavery days the cruelest of those who would apply the whip were themselves slaves. As a matter of fact, too frequently, when men who are workmen themselves become placed in some brief authority over workmen, they will, for the personal, material advantage resulting to them, prove the hardest taskmasters of any. It is lamentable that it is so, but that it is so I think few will dispute. It is true that there are some men in the ranks of labor who believe that it is their duty, regardless of offers, regardless of personal advantage—and they would prefer—to remain associated with their fellow-workmen and try to be in touch with them, to feel as they do, and voice with them the sentiments for redress of the wrongs which they have too long been compelled to bear.

Mr. Herbert—of course, I realize how perfectly unable I am to deal with this subject, particularly from its legal standpoint, and without the opportunity of having such legal advice as might otherwise be necessary. But one of the reasons that we have not this ability to secure the legal talent requisite to present a proper legal argument is the fact that we belong to the poor, and we come to you in as frank and open a manner as it is possible to come before men, with nothing concealed, without the ability to confine our thoughts by words intended to deceive, and in this way ask your consideration of what we believe to be right and proper. Mr. Herbert says, in asking the legal question, "Is this proper or necessary; is the passage of this bill proper or necessary as defined by the great lawyers of our country?"—

Mr. Micou. By the Constitution.

Mr. GOMPERS (continuing). Or by the Constitution—is it proper or necessary; is it? Yes; I hold that it is. It is proper, it is necessary, for the Government of the United States to send its inspectors to see that the clothing that is manufactured for its soldiers and for its sailors is made under proper and sanitary condition. Is it proper? Is it necessary? No one will dispute that. Why? Simply because it has been an established fact. But it was disputed before these inspectors were put in to see whether these garments were made in sweatshops. Why can not the Government of the United States insist that the hours of labor of the workmen employed on work for the Government shall be limited, if the Government shall believe, and I think its officers and representatives do believe, that with eight hours work a man becomes a better man and a better citizen, and has more interest in his work and yields a better result? There can be no question but with the adoption of this bill there will be better ships, better garments, better everything that the Government contracts for, and coming under the operations of the bill they will be of a higher and better character; and more than that, it will protect the physique, the health of mind of the people of our country, and will help to make us greater in strength, both in body and mind.

I did not intend to cover one point, but it seems to me since it was discussed I should say a word about it. I am not here, or particularly at this time any way, to advocate the Government building war ships. Perhaps at another time I might have a word to say in regard to it. But the statement that the navy-yards of the country can not build ships for the Government of the United States as cheaply or as well as they can be built by private contractors can be answered by the fact that in the Government shipyards many of the "old-fogy" methods still obtain, and there are other conditions that obtain in the Government shipyards that would not be tolerated in private shipyards. I think that was shown before the committee of which Mr. Cummings is a member.

Mr. CUMMINGS. My idea is that the employees of the Government shipyards work under the eight-hour rule.

Mr. GOMPERS. Yes, sir. It has been stated that these men are friends of labor, and they want the eight hours general. It may be said that we are not friends of labor generally, but we are friends of ourselves, and therefore we wish to enforce it. We are asked why we did not bring witnesses to demonstrate the feasibility of it. I would say that last year we produced evidence before the Senate Committee on Labor, and which we respectfully submit.

Mr. FURUSETH. And before the investigation of this present committee too.

Mr. GOMPERS. Yes; and before this committee too. I will say that the subject of the eight-hour legislation is not a new one, and we need not take up more time of the committee upon that ground.

There is one other thing in regard to the manufacturers of duck that I would like to say. If you remember, they said if this bill was enacted it would lead to piece-

work. I think you will remember, too, that nearly every other witness testified that piecework prevails in their establishments; so that they can not have a very great injury from that. I might say, gentlemen, that the shortening of the hours of labor has not had the result, as one of the attorneys said here—I think it was Mr. Hyde—of leading to debauchery and drunkenness. As a matter of fact, you will remember that the instance to which he called attention in the South was that where the men worked twelve or thirteen hours a day; and Mr. Harrah stated in regard to the condition of the men in the Midvale Steel Company that they "got drunk," as he says, and they have policemen who are waiting on the outside for them, so as to arrest them when they quit work. You can readily understand that men working under such conditions as are described so plainly by Mr. Harrah to obtain in an establishment will fly to the freedom that they do not possess at all in the factory, more especially if they are overworked.

It is argued that this bill is unconstitutional. As a matter of fact, after all that has been done by some in the past, to the perverse mind the Constitution and its direct father, the Declaration of Independence, are in such a shape that these documents look as if they had got into a scrap and had a "monkey and parrot" time. The Declaration of Independence is plucked of much of its plumage, and the Constitution looks as if it was suffering from a blow in the solar plexus. And yet, when a suggestion is made for an improvement of any kind, the Constitution is thrust at us. You may know that the legislatures of Illinois, Pennsylvania, and Michigan passed resolutions unanimously requesting the Fifty-fifth Congress to pass the eight-hour bill which is now pending before your committee. I should say that the State of California adopted for that State a law which is practically the bill now under consideration before this committee.

Gentlemen, Mr. Hayden this morning, in quoting the various laws and decisions of the various States upon the eight-hour law or laws governing the hours of labor, must have gotten a very old, antique work, for, as a matter of fact, he has not consulted the latest statutes upon that subject. You know, as a matter of fact, that in Massachusetts within the year a law was adopted by the legislature permitting each locality to pass, by a vote of the people, upon the proposition of embodying as an ordinance in its local charter a provision that the employees doing work for it and for work done for the municipality shall work on the eight-hour basis, and in every city and township, wherever there has been a vote, and there has been a large number of votes upon the question—it has been submitted to the referendum vote in every instance—and in every instance has the ordinance for the eight-hour day been overwhelmingly adopted. The township elections are about to be held—

Mr. TRACEY. Many are going on at this time.

Mr. GOMPERS (continuing). Are going on at this time, I am just informed, and there is no idea in the mind of anyone that there will be a defeat of this proposition in any township. In Pennsylvania the eight-hour law for government work has been adopted since the book of reference from which Mr. Hayden quoted was printed.

Let me say that the President of the United States, in his message to Congress in 1898, said, speaking of labor—and this for the first time in the history of the country that the President has spoken on this subject:

"The alien-contract law is shown by experience to need some amendments. A measure providing better protection for seamen is proposed; a rightful application of the eight-hour law for the benefit of labor and for the principle of arbitration are suggested for consideration; and I commend these subjects to the careful attention of the Congress."

And I should say that the statement made by the President in his annual message was the result of the conference which he accorded us, at which the principles of the eight-hour bill now pending before this committee were the subjects; and he then said to us, in speaking of the eight-hour bill, "You can not go too far for me in limiting the hours of daily labor to eight."

The CHAIRMAN. Do I understand you to say there is something in the message of the President on this subject?

Mr. GOMPERS. Yes, sir; in the message of 1898; I just read it. Shall I read it again?

The CHAIRMAN. Yes, sir.

(Mr. Gompers here reread the above extract from the President's message.)

Mr. GOMPERS. Gentlemen, only a few words more and I shall conclude. For a very long period of time the people of this country have been engaged in discussing and dealing with the problem of production. With the wonderful methods at our command, the ever-increasing inventions in machinery, the division and subdivision of labor, the application of the forces of steam and electricity to propel the machinery with greater velocity than ever before, and with the marvelous intelligence and energy of our people, we have solved the problem of production. It is no longer



a problem. It is simply its application which is the problem now. We are confronted with the problem of distribution, and the people await upon the men of affairs, and the men who think, and the men who act for the solution of this problem of distribution. There are some who want to tax all property out of private ownership; there are some who say, "Abolish all patent rights, abolish all land tenure and title to property unless by occupation and use;" there are others who advocate anarchy in its philosophic acceptance; there are others, again, who advocate common ownership by the people of all the means of production and distribution; there are others who advocate confiscation.

These are various schools of thought, some apparently sound and some absolutely unsound, and upon the face of them unsound. But whether the propositions of either or all are unsound, I think that we all agree that the matter of distribution is still a problem. As trades unionists, as organized workingmen, having a common feeling with all our fellows, we neither advocate nor deny any of these propositions. We simply say that they are not ours. We say that there is no method by which this problem of distribution can be more effectually and more rationally and more justly met than by a reduction in the hours of labor of those who work, for a reduction of the hours of labor means opening up a vista to the mind and to the physical and moral and social advancement undreamed of to-day.

A lessening of the hours of labor gives man larger opportunities to cultivate his better nature. You can not cultivate a man's better nature without at the same time improving him in every way—as a worker, as a thinker, as a man, as a citizen, as a husband, as a father. Reducing the hours of labor makes man's interests greater. I had occasion, in explaining a matter which seemed upon the surface to be a contradiction of my position, that a reduction in the hours of labor means larger opportunities for mental and physical culture; it means taking the burden of physical labor from the shoulders of the workers and giving them these hours of golden opportunity for mental cultivation; and these opportunities would give to the world better ideas, better thoughts, better machinery, newer inventions by which the production of wealth could go on with such intensity and with such magnitude as is not conceived by any of us to-day. Reducing the hours of labor will increase men's necessities. It will, for the day, appear to him as a luxury; but the luxury of yesterday becomes the necessity of life of to-day and to-morrow, and the necessities of life must always be granted to the workers if you expect them to continue to work.

Gentlemen of the committee, so far as my colleagues and myself are concerned we desire to attest to you our appreciation of your courtesy. I know that I have spoken at very great length, much longer than I anticipated it would take me to present this matter to you as I have tried to. I realize perhaps more than any other man can my own shortcomings; but in the way that we have tried to present this matter to you we feel that this bill, if enacted into law, is in line with the material progress of our country, tending to good; not one tendency can be construed to evil; maintaining the rights of all, giving larger liberty, giving larger opportunities, making our people the most energetic, the most advanced people of any nation of the world; and we would say that we wish to stand preeminently before the world as the conquerors of the markets of the world; to produce those things which the people in other countries of the world can not produce as well and as cheaply and as swiftly as we can. I am confident together with all our other prestige will come the prestige of the great producers of the wealth of the world—the prestige of men intelligent, independent, aggressive, and yet having a full consideration for the rights of every other in view.

I trust that this bill will be reported with a favorable recommendation of this committee and that its passage may be assured. I thank you for your courtesy.

Mr. Micou. Mr. Gompers, if you will pardon me just a moment, I wish to say, speaking for Mr. Herbert, as his partner, that there was not, in anything he would say, any intention to cast any slur upon anybody, and there is a question which, with the permission of the committee, I would like to add; that is, in reference to this information about the projectiles, whether you have any information as to the number of these 12-inch projectiles which are ordered each year or as to the cost of the machinery for manufacturing those larger projectiles?

Mr. GOMPERS. No, sir; I have not that at hand.

Mr. Micou. If the chairman would permit, I would like to state to him and the committee, I do not know the reason for it, but there are only two concerns that can make these larger projectiles. From the 8-inch projectile down there are a number of competitors; but I know in the instance of the United States Projectile Company that they have considered very thoroughly the matter of manufacturing the larger projectiles, and have found they could not enter that field successfully. I do not know what the obstacle is, but the ——— Steel Works and the Midvale are the only two works that make these projectiles, and they order very few of them as yet.

Mr. GOMPERS. I am not drawing on my imagination, and I have not anything further than the statements made by Mr. Harrah and Mr. Booth.

Mr. MICOU. This statement as to the number of hours' work on the projectiles does not appear in the letter of Admiral O'Neil.

Mr. GOMPERS. No, sir.

Mr. MICOU. It is a matter that could be ascertained officially from the Department without any trouble, because they inspect every bit of that work, and they can tell the number of hours from the moment they commence to manufacture to the completion of it.

Mr. GOMPERS. The number of hours I have stated is the number of hours which the workmen testified to as having put on these particular shells in the various branches.

Mr. MICOU. On that particular shell?

Mr. GOMPERS. Yes, sir.

(Upon motion of Mr. Emerson, the committee voted that the hearings had upon this bill should be printed.)

Thereupon (at 5.15 o'clock p. m.) the committee adjourned.

#### STATEMENT OF MR. M. M. GARLAND, OF PITTSBURG.

Mr. GOMPERS. Mr. Garland, will you please state to the committee your name, residence, and what connection you have had with manual labor, and your experience in iron and steel mills?

Mr. GARLAND. Mr. Chairman and gentlemen, my name is M. M. Garland; my residence is Pittsburg, Pa. I followed the rolling-mill business as a boy and man for twenty years, worked at the boiling trade and the heating trade, and in several other branches, in the different rolling mills throughout the country, and was elected to the position of assistant president of the Amalgamated Association of Iron and Steel Workers, whose organization governs the rolling mills—the union mills—throughout the country; that is, who treat with the manufacturers, in other words; and I then served afterwards for six years as its president. My experience began when I was very young, as I said, in the mills, and boiling, the trade of boiling iron, was what I first started at. It is now a trade that has been largely superseded by soft steel; still, it is very active throughout the country. The open-hearth way of making steel is the nearest approach to boiling iron of any of the different kinds of steels that are made in the different processes. I followed the trade of heating steel and preparing it for the rolls for a period of about twelve years.

Mr. GOMPERS. It is contended that it is impossible to successfully carry on the manufacture of steel of a fine quality within the period of eight hours, and that when, in the making of steel, from its inception to its completion it requires more than eight hours, the steel in its process can not be transferred from one workman or set of workmen to another workman or set of workmen, the contention being that from the inception to the completion the entire piece of steel must be under the supervision and direction of one set of men, and the work must be completed by one set of men, and that its transfer from one set of men to another set of men will deteriorate the quality to a very great degree. Will you please state to the committee what is the fact in regard to that?

Mr. GARLAND. If that were the case we would not be making any fine steel to-day. The practice in all the mills is to transfer the steel at any stage, no matter when it may be, in accordance with the system. For instance, under the eight-hour system a new shift of men comes on and takes it up where the other left off. If it is the twelve-hour system, they change at the twelve-hour point, and take the steel at any stage of its existence.

In open hearth mills and in crucibles, of course, the larger or smaller melts, or the kind of point carbon that you desire, makes some change in the length of time that the heat may be in the furnace. Consequently you start out in the beginning of the week with an open furnace and you make a heat that takes eight hours, one that takes ten hours, and you make one cast that possibly runs into fifteen hours, and you go on in that way on those lines during the week, and the one workman comes on, if it is a ten-hour turn, when the other quits, and continues that heat until it is done; another is put in there and continues it until it is done, or until the other shift comes out and relieves him. That is the custom now in all mills.

Mr. McCLEARY. And there is no bad effect from that or they would not keep it up.

Mr. GARLAND. It is the custom everywhere, and there is no bad effect, because we make the best steel in the world now, and make more of it.

Mr. WARNOCK. I do not quite understand what you mean. You say a twelve-hour shift and then another comes on. Do you mean one set takes it for twelve consecutive hours?

Mr. GARLAND. Yes, sir; they take the furnace for that time.

Mr. WARNOCK. Then they finish what they have in it for the twelve hours?

Mr. GARLAND. No.

Mr. WARNOCK. Then it runs beyond the twelve hours?

Mr. GARLAND. Yes, sir; and it depends on when that heat is ready to pour. There is no clock time. The furnace may be running—in other words, fast or slow, as we call it—and the heat may not be ready to take out when the turn is ended, and the other men come on and work it until it is.

Mr. WARNOCK. You mean to be understood as saying that before it is ready to turn out another set of men can come and take it and continue it and produce just as good results as if the first had completed it?

Mr. GARLAND. Yes, sir.

Mr. McCLEARY. Does the directing head—the one without the clock, but by his own skill, determines the time of finishing—have to continue?

Mr. GARLAND. No, sir; he does not continue.

Mr. McCLEARY. Then the moment for the pouring can be determined without continuous watching?

Mr. GARLAND. Yes, sir. The melter or heater looks in the furnace and knows the condition of that heat just as thoroughly as the carpenter who is working on his bench does the condition of his business. He gets to understand the looks of the heat and the flame and the boiling and the color of the flame, and he reads it. It is like an open book to him. For instance, to use a homely expression, the cook would put something in the baker to bake, and another cook can open the oven and see what condition it is in.

Mr. RHEA. You are skilled in your business, are you—ordinarily so?

Mr. GARLAND. I am considered so—was considered so.

Mr. RHEA. I will ask you if, in your judgment as a skilled operator, better results might or might not be obtained if the manufacture of the steel was not completed in twelve hours by bringing on a fresh set of equally skilled men, but the process was continued to completion by those fagged and wearied in body and mind?

Mr. GARLAND. Without question better results obtain by changing. I will give you an instance of what has been accomplished in the way of greater work by the shorter hour system in the rolling mills. Now, if there is any line or part of the business that the short hours, by the limiting of hours, can apply to in the manufacture of steel it is the rolling mill, for the reason that it is a continuous performance. They start at the beginning of the week and run to the end of the week, and sometimes on Sunday. The one turn follows the other. There is no cessation in the work. Hence, the man who works eight hours would have only eight hours to stand that heat and stress on his constitution. Now, in 1884 the rolling mills in this country, those which were organized as well as others, were working on the two-turn system.

Mr. McCLEARY. Turns of twelve hours each?

Mr. GARLAND. The sheet mills worked ten hours, and there was a couple of hours between the time that the one shift stopped and the next shift came on, which the watchman used to occupy in cleaning the grate and the furnace and perhaps fix up the bottom, and so forth—little detail matters that of course you gentlemen would not fully understand in connection with it.

Mr. McCLEARY. I do not understand. That is exactly what is the matter with me. Then there was no iron or steel in the furnace at this time being prepared?

Mr. GARLAND. No; that was in the early days that I speak of, up to 1884; up to that time in the trade.

I would like to say first in regard to this that we were making eight heats of 15 pairs in ten hours. Some manufacturers desired to use up this time between the turns and asked that we try a three-turn system. It was taken up in our convention and thoroughly argued by our men and then with the manufacturers, and finally a three-turn system was agreed upon as an experiment in the sheet-mill trade. In five years' time thereafter every sheet mill in the country was on a three-turn system, working eight hours, or, in fact, finishing their turns in less than eight hours; instead of making eight heats, as was formerly the case, in ten hours of 15 pairs, they were making nine heats of 15 pairs in less than eight hours. Now, that has been the experience in that trade, and the same in every part where it is tried. It has increased the output and not deteriorated the work, but if anything bettered it, in every place where it has been tried. It is past human endurance to give your best efforts during twelve hours.

Mr. RHEA. Do you mean to say that theretofore the actual processes of manufacture only went on for ten hours, and then there was a cessation for two hours, and that was when you had the two-turn system?

Mr. GARLAND. Yes, sir.

Mr. RHEA. And now, under the three-turn system, it is continuous?

Mr. GARLAND. Practically, yes, sir; except, as I say, that they finish their turns in about seven hours or a little less, and they still have that difference between the turns to do this necessary work of cleaning, etc.

Mr. RHEA. That is done by a shift of hands?

Mr. GARLAND. Yes, sir; a shift of men or a crew, as we call them.

Mr. GOMPERS. You have been at repeated conferences with employers and representatives of employers in the steel trade?

Mr. GARLAND. Yes, sir.

Mr. GOMPERS. As a member of the Amalgamated Association?

Mr. GARLAND. Yes, sir.

Mr. GOMPERS. As its assistant president?

Mr. GARLAND. Yes, sir.

Mr. GOMPERS. As president?

Mr. GARLAND. Yes, sir.

Mr. GOMPERS. As a member of the wage committee?

Mr. GARLAND. Yes, sir.

Mr. GOMPERS. In the conferences which you have had with these steel workers, has it ever been urged that a crew could not take a heat or melt from another at any stage?

Mr. GARLAND. Never. I have never heard that argument made. I think it could find no place in a conference room between practical manufacturers when talking to their employees in those departments; I think it would be laughed out of the room.

Mr. GOMPERS. Do any of the workers in steel mills now, when making heats requiring as much as eighteen hours, remain with the heat until it is finished?

Mr. GARLAND. I do not know of any instance of that kind, unless it would be in a case of sickness, or a case of accident, or something that I have never yet known of. I do not see how that would be possible.

Mr. GOMPERS. In the event of a man having charge of a set of men or gang of men in the making of heats or a piece of steel, does he ever leave the plant for any other reason before the twelve-hour day has expired; such as, for instance, pleasure, recreation, illness in his family, suddenly or otherwise, or death?

Mr. GARLAND. It is quite customary for one workman or one crew of workmen to come out and relieve another. That is what we call "trade reliefs." It is simply they come out and let the others off for an hour or two hours ahead of time for some business they want to attend to and can not attend to when they are off turn. That is very customary.

Mr. GOMPERS. And does it interfere with the results of the product?

Mr. GARLAND. It certainly does not, or the manager would not stand it; he would call a halt pretty quickly.

Mr. GOMPERS. Have you any general acquaintance among the heaters and melters?

Mr. GARLAND. I think I know most of the heaters and melters around Pittsburg and Youngstown, and through the Western States; that is, I mean those who have been in the business any length of time.

Mr. GOMPERS. Have you had any opportunity of discussing with them the question of the hours of labor, or do you know in any way their opinion upon the subject of the limitation of the hours of labor?

Mr. GARLAND. They all favor it that I have talked to. Now, since you have had these hearings going on here I have met a number of them on the street in Pittsburg, met them at one place and another throughout Pittsburg, I suppose a dozen of them, and naturally we would get to talking about our trade and about these hearings that were going on here, and all of them expressed a very strong desire that the hours should be shortened. They ridicule the idea that men could not take over the heats from others at any stage.

Mr. GOMPERS. Have I not written and telegraphed to you on several occasions within these last two weeks, asking you to see some heaters and melters and ask them to come here and testify before this committee?

Mr. GARLAND. Yes, sir; you have.

Mr. GOMPERS. Will you please state why you were unable to bring any of the heaters and melters?

Mr. GARLAND. They stated that they feared to lose their positions.

Mr. McCLEARY. What is the meaning of that?

Mr. GARLAND. If they would come here and give testimony they would lose their positions.

Mr. McCLEARY. That is, testimony adverse to eight hours?

Mr. GARLAND. In favor of this bill.

Mr. CALDWELL. How many different ones expressed themselves in that way?

Mr. GARLAND. I think nearly all that I talked to; nearly a dozen, I think.

Mr. CALDWELL. Expressed themselves as fearful that they would lose their positions if they came here to a hearing before this committee on this bill and testified?

Mr. GARLAND. Yes, sir.

Mr. CALDWELL. I want to get that clear.

Mr. GARLAND. Yes, sir.

Mr. GOMPERS. You were the assistant president of the Amalgamated Association at the time of the strike and immediately prior to the strike at Homestead in 1892, were you not?

Mr. GARLAND. Yes, sir.

Mr. GOMPERS. Will you please state whether the question upon which the strike occurred was the question of wages or the question of the recognition of the Amalgamated Association?

Mr. GARLAND. It was the question of wages.

Mr. GOMPERS. The question of the recognition of the union was not at all a point in controversy?

Mr. GARLAND. No, sir; the firm met the committee and discussed the scale as usual until they came to the point where they could not agree. At that time the wages were based on the selling price of steel rails, with a minimum below which the wage would not be reduced in case the price of rails went lower, at \$25. The firm desired this minimum to be placed at \$22, and the reduction that would have occurred under the old scale to be taken to the point of \$22, which really amounted to about 18 per cent. The men refused. A conference was held, and finally the company, through Mr. Frick, offered a minimum of \$23. The men came to \$24, but there was still \$1 between them.

And then the other point of difference was the termination of the scale. The men desired it to terminate on the 1st of July and the firm desired that it should terminate on the 1st of January.

Mr. GOMPERS. While you are on that point, will you please state why the men preferred that the yearly agreement should terminate in July rather than in January?

Mr. GARLAND. Yes, sir; it is a great deal more advantageous from the fact that it is harder to get men to come in to take the positions of other men in the summer time in the rolling mills. It is a very hard matter to do that. In the winter it is easier to get men from other places and outside to come and take the places of men who refuse to work when their wages are reduced. That is all the difference there is.

Mr. GOMPERS. In other words, it was that the men might be in a better position to negotiate the joint bargain with their employers in regard to the wages, and the hours and conditions of labor under which they should be employed.

Mr. RHEA. Just one question. Do you mean the committee to understand by your answer a while ago that you had talked to perhaps a dozen of those engaged in the steel industry and endeavored to get them to come before this committee and testify, and that they refused to do so because, as they expressed themselves, they feared that their employers would discharge them if they came before a committee of the American Congress to testify to facts within their knowledge?

Mr. GARLAND. That was their position.

Mr. RHEA. And those facts were favorable to this legislation?

Mr. GARLAND. Yes, sir.

Mr. McCLEARY. Do you believe that that fear was well founded?

Mr. GARLAND. I would be glad if the chairman would not insist that I should give an opinion on that.

The CHAIRMAN. It would be only an opinion, anyway, and of course we are all entitled to our own opinions.

Mr. CALDWELL. How many hours a day were these men working on shifts that you talked to about coming to testify—eight hours or twelve hours?

Mr. GARLAND. Twelve hours.

Mr. McCLEARY. Were they paid by the hour or by the day?

Mr. GARLAND. Some of them were paid a salary, some by the day. That means an hour—by the day means an hour—because they would be docked any part of a day that they lost.

Mr. McCLEARY. In your judgment, would it affect a man's opinion in the matter whether he was paid by the hour or the month?

Mr. GARLAND. Would it what?

Mr. McCLEARY. That is, would a man who is paid by the hour and is earning a living for his family by the hours he works feel differently in this matter from a man who has a certain wage, regardless of hours?

Mr. GARLAND. They all felt the same. It means the matter of shortening the hours of them all. They all feel that this is to their best interests, whether they were on salary or on day work.

Mr. McCLEARY. The judgment is, then, in either case that it would be better for them to have the shorter hours?

Mr. GARLAND. It would be better; yes, sir.

Mr. McCLEARY. Is that based on the statement made a short time ago that in the shorter hours they could earn more?

Mr. GARLAND. The difference in this case we are speaking of now is that the Amalgamated Association, which had arranged the scale of the sheet and tin mills at that time, had a tonnage rate fixed for the men to work by, and that is the case yet. In the steel mills proper, where the melting is done, you understand, this is a question of the melting, of the heating, and of the open hearth. The Bessemer is not mentioned. But in the open hearth and the crucible it is not on the tonnage system, except perhaps where there is a bonus given, as I have heard was related before this committee, for some of the works; but the rate is fixed per day or per month, and hence it could make no difference so far as getting our tonnage is concerned. This would of course, if there was an eight-hour day, reduce the wages paid to those men to the extent of the difference between eight hours' work and four hours' work, but I think that would adjust itself afterwards.

Mr. McCLEARY. You are willing to take the chances on that adjustment being satisfactory?

Mr. GARLAND. Yes, sir.

Mr. CALDWELL. In your opinion, what percentage of the steel produced in the United States is produced by men working ten-hour shifts and working eight-hour shifts, respectively?

Mr. GARLAND. Well, I have not gone over that recently. There are very large works at South Chicago which are on the eight-hour basis, and have arranged scales between themselves and the Amalgamated Association and the United States Steel Company. They have large works there. There is a larger number, including the Carnegie and Bethlehem works, throughout the East, that do not recognize the union and with whom there is no scale arranged.

Mr. CALDWELL. You are not prepared, then, to estimate the amounts produced, respectively, by ten-hour shifts and eight-hour shifts?

Mr. GARLAND. No, sir; I could not do that offhand. Some branches of the business, as, for instance, the sheet-mill business and the tin-plate business and a large number of the finishing mills—that is, making bar iron and guide iron, and so forth—and some steel mills are working on the eight-hour system.

Mr. CALDWELL. Do you know whether or not, approximately, the men working twelve hours are paid about 50 per cent more than the men working the eight-hour shift?

Mr. GARLAND. They are not.

Mr. CALDWELL. They are not?

Mr. GARLAND. They are not.

Mr. McCLEARY. Why not, in your judgment?

Mr. GARLAND. I do not know that. I could not answer that exactly. The fact is this: For skilled work a man can demand so much, and if he works longer hours and is willing to work longer hours they can give him just what they please, especially in the mills which are not organized. I will say to you, gentlemen, that I could not say much about the rates of wages paid, except this, that they are lower. There is no voice on the part of the men as to what they shall be paid and no possibility of a protest, from the fact that they are separate.

Mr. McCLEARY. You mean that their rate is lower by the hour for the twelve-hour day than it is by the hour for the eight-hour day?

Mr. GARLAND. Yes. In the eight-hour mills, as I have stated heretofore, they are about all on tonnage, and consequently they work in that way.

Mr. WARNOCK. In what you call the eight-hour mills, do they permit any overtime at all or do they close at the close of the eight hours?

Mr. GARLAND. The other turn comes on and takes their place, of necessity.

Mr. WARNOCK. Then a man in an eight-hour mill can not work extra time; is that what you mean?

Mr. GARLAND. The system is arranged that way, and a man is not supposed to work longer than his time, except he does it to oblige another man who may be called away on occasion for, say, an hour or a half hour.

Mr. WARNOCK. What do the men think about the proposition, to have an arbitrary day of eight hours, without the privilege on their part of making a little extra pay by working overtime.

Mr. GARLAND. My experience with them is that they always prefer the eight-hour day.

Mr. WARNOCK. And not to have the privilege of working extra time?

Mr. GARLAND. They do not desire it.

Mr. WARNOCK. They do not desire it?

Mr. GARLAND. They think it is a bad system. Of course, my experience has been among men who were organized, and in our annual convention these things are all gone over and I get the opinions in that way. I meet those who are in unorganized mills casually; I know them; some of them that have been union are nonunion.

Mr. WARNOCK. And the men believe that it is better to have a fixed eight-hour day than to have the extra time?

Mr. GARLAND. Yes, sir; and I think those who are nonunion to-day, at least those I have met, also prefer eight hours.

Mr. WARNOCK. It has been claimed by some that the workmen would be dissatisfied if the privilege of working two or three hours was taken away from them; that they would not want to be deprived of that extra pay.

Mr. GARLAND. I think there would be very few exceptions to the eight hours.

Mr. McCLEARY. Of course there is a great deal about this that we do not know, and that is why we are glad to have you here.

Mr. GARLAND. Yes, sir.

Mr. McCLEARY. This work that you are speaking of now must be done in shifts; that is, they have to work together, and can not work individually?

Mr. GARLAND. Yes, sir; they have to work together.

Mr. McCLEARY. And if one man wanted to work, having extra strength, more than others, of mind and body, and higher powers, he would have to do it at the expense of some other man whose place he would have to take, would he not?

Mr. GARLAND. Yes, sir. For instance, they work in crews, as it were.

Mr. GOMPERS. I have no further questions to ask.

Mr. McCLEARY. Judge McCammon would like to ask a few questions of Mr. Garland.

Mr. McCAMMON. Are you employed at present in your line?

Mr. GARLAND. Not in the mills; no, sir.

Mr. McCAMMON. What is your occupation at the present time?

Mr. GARLAND. I am now surveyor of customs of Pittsburg.

Mr. McCAMMON. When you testified a little while ago in regard to the manufacture of steel, what kind of steel did you refer to?

Mr. GARLAND. I referred to the making of armor plate, and I referred to the making of steel from the open-hearth process of all kinds.

Mr. McCAMMON. Have you engaged in the manufacture of armor plate yourself?

Mr. GARLAND. Not directly.

Mr. McCAMMON. Have you ever taken part in the manufacture of large forgings?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON. How large—to what extent?

Mr. GARLAND. I suppose some of them would weigh ten or twelve tons, that I handled.

Mr. McCAMMON. At what mill?

Mr. GARLAND. At Oliver & Phillip's—a mill in Pittsburg, which is now the Oliver Iron and Steel Works.

Mr. McCAMMON. Oliver Brothers?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON. Has your attention been called to the testimony of Mr. Archibald Johnston, general superintendent of the Bethlehem Steel Company, given before this committee on Thursday, February 13, 1902?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON. I would like to read some extracts from that testimony and ask your opinion in regard to that. Mr. Johnston says, on page 3 of his printed testimony, among other things:

"No one can transmit the refinements of details arising in the manufacture of heats of high-grade steel to another, any more than any one man can completely and clearly convey to another the workings of his brain by a letter. Such things can be done partially by actual conversation, by actual contact, but I defy any man to clearly convey to another by means of a letter what he has in his thoughts."

"Certain grades of steel can be melted much more rapidly than others. The simpler the grade the more easy a manufacture, the more familiar are people with it."

Is that correct in your opinion, or not?

Mr. GARLAND. No, sir; it is not correct, so far as conveying the parts of a heat to another is concerned.

Mr. McCAMMON. I would ask you specially with regard to that last: "Certain grades of steel can be melted much more rapidly than others. The simpler the grade, the more easy of manufacture, the more familiar are people with it."

Mr. GARLAND. I think that is right.

Mr. McCAMMON. He then adds:

"Some of the heats can be made in four hours; others of higher qualities require ten hours or twelve hours, or even more time."

Is that correct?

Mr. GARLAND. Yes; that is correct.

Mr. McCAMMON (reading). "Those of course requiring more time are those which possess larger proportions of fine alloys and are less seldom made."

Is that correct?

Mr. GARLAND. I think that is true.

Mr. McCAMMON (reading). "Again, certain grades of steel are required to be held after melting, but before pouring, for a certain amount of time, depending upon the uses to which they are to be put, while others need to be held a very short time; still others must be held for a longer period, depending upon the uses, as I before stated, to which they are to be put, or until certain desired changes in the composition are obtained by a thorough admixture of the ingredients. A certain time must be allowed for the escape of injurious gases that may be in the different ingredients. This does not apply so much to the ordinary run of steels, but does apply, nevertheless. For this reason, as above stated, more than eight hours are required and are consumed in the manufacture of many grades of steel, even though the resultant weight produced may be only 120 pounds or less of crucible steel; still, more than eight hours are often consumed in its manufacture."

Is that correct?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON (reading). "I have seen heats of crucible steel up to 60 tons poured from hand pots by men into one mold. A heat of this kind requires the constant supervision of one very able man and numerous assistants, and sometimes in time anywhere from ten to fifteen hours' consecutive work, and an army of men of from 1,200 to 1,500 or 1,600."

Is that correct?

Mr. GARLAND. No, sir.

Mr. McCAMMON. Why not?

Mr. GARLAND. That part is correct that a large casting is poured from numerous crucibles or pots, as we call them, but a number of men are not required all that time.

Mr. McCAMMON. Not the supervision of one man and assistants?

Mr. GARLAND. One man at the time the crew is there. A melter takes charge and supervises the crew while they are on duty, and if it runs over twelve hours, the other melter takes charge and directs the crew.

Mr. McCAMMON. And do you contend that the steel will be as even for armor plate and forgings?

Mr. GARLAND. Yes, sir; that is the practice. the ships of our Navy that are sailing to-day.

Mr. McCAMMON. We are speaking of the exceptions; we are not speaking of the regular way.

Mr. GARLAND. I am talking of exceptions; my experience with men in making wages for them, who were working armor plate, who were making a very large size, and the kind of armor plate that is put on our ships to-day, who built the armor plate that is on the ships of our Navy that are sailing to-day.

Mr. McCAMMON. Do you know of your own personal knowledge as to the manufacture of armor?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON. Have you engaged in the manufacture of armor?

Mr. GARLAND. I have told you that I was then making scales of wages for the men who were each year.

Mr. McCAMMON. Yes, sir; and I understood you also to say that you have engaged personally in the manufacture of armor plate.

Mr. GARLAND. I did not say armor plate. I said I was engaged in the making of the scales of wages. I said that I had made large pieces of iron that were for Government use.

Mr. McCAMMON. You stated that you had engaged in the manufacture of forgings of as large weight as 10 tons?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON. And you want to be understood, then, as saying that you have never actively engaged in the manufacture of armor plate yourself?

Mr. GARLAND. No, sir; I did not.

Mr. McCAMMON. You have not been so engaged?

Mr. GARLAND. No, sir.

Mr. McCAMMON. What is your information on the subject? Have you ever heard from any of the men engaged in such labor that they did work—had worked—more than eight hours a day on such plate?

Mr. GARLAND. They certainly did, because they were working the twelve-hour system.

Mr. McCAMMON. The twelve-hour system?

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Mr. McCAMMON. The twelve-hour system?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON. Have you any information from these men as to whether the quality of the plate was enhanced by continuous labor?

Mr. GARLAND. They all contend that it does not make any difference.

Mr. McCAMMON. As to the ordinary man; but as to those who are of superior skill.

Mr. GARLAND. We are talking of those who are of superior skill now, as well as the ordinary man. As I stated before, the melter or the man in charge of the furnace directs his own crew, and they change when the hour comes, the usual hour.

Mr. McCAMMON. Have you any knowledge whatsoever, from first-hand or second-hand, of armor being made in an eight-hour shift?

Mr. GARLAND. Oh, yes. There is armor plate now being made in an eight-hour shift.

Mr. McCAMMON. Where?

Mr. GARLAND. In all the mills that make it, of some size.

Mr. McCAMMON. That is, depending on the size?

Mr. GARLAND. Small quantities.

Mr. McCAMMON. Small plates?

Mr. GARLAND. Yes, sir. I will say to you that we agree in the fact that larger sizes and smaller sizes are being made with Mr. Johnston. But Mr. Johnston has not said that the men do not in any instance change from twelve hours; and this committee has been led to believe, from the questions asked me at the present time, and that I was asked by the chairman, that they do work continuously always in working the finest steel until the turn is finished.

Mr. McCAMMON. That part of the testimony of Mr. Johnston that I read said that very thing.

Mr. GARLAND. I beg your pardon. I say my statement is that Mr. Johnston nowhere in his evidence said that the men did not change on the twelve-hour turns—that is, when they had worked twelve hours.

Mr. McCAMMON. Do you know, as a matter of fact, that there are now two shifts in manufacturing armor? Do you know that as a fact?

Mr. GARLAND. I know there are two shifts in manufacturing armor. There were in Homestead; there are in Homestead. I do not know what they do in Bethlehem.

Mr. McCLEARY. If they were working on a twelve-hour shift and it happened in a given instance to take fifteen hours, what could they do?

Mr. GARLAND. Working a twelve-hour shift, the next turn coming on would take it and finish it.

Mr. CALDWELL. So in the making of plates it would require fifteen hours, even sixteen hours, and if there was a twelve-hour shift they would change after working twelve hours, and the first shift would work twelve hours and the next shift four hours, where the two eight-hour shifts would simply change in the middle of the sixteen hours?

Mr. GARLAND. Yes, sir.

Mr. CALDWELL. Now, would that by working one shift twelve hours and the next four hours make any better quality of steel—having one set of men continuously for twelve hours? Why would it make better steel than by having it divided in the middle of the sixteen hours?

Mr. GARLAND. I think a man can give better work when he is at his best. There is no question of that. It is like other work; it has got to have a man's full strength, and he has to give his full effort to it, and with shorter hours he can do that.

Mr. McCAMMON. Suppose melting is on, and, as you assumed, which may be the fact—I know that it is so far as your knowledge is concerned—there is a shift of twelve hours. Does it follow that all the men are changed, the man who started the heat, also, with the helpers and these high-priced assistants? Is it not a fact that the man and his immediate assistants who start a heat go through with it until completed?

Mr. GARLAND. That they do not. They did not in Homestead.

Mr. McCAMMON. They did not.

Mr. GARLAND. They do not in Homestead.

Mr. McCAMMON. Under what circumstances have you acquired your knowledge?

Mr. GARLAND. I have stated before, by actually arranging the wages and hours for several years of the men and with employers at Homestead, between the men and the employers.

Mr. McCLEARY. The skilled men, as I understand it, quits at the same time as the unskilled man; they both quit at the end of their shift?

Mr. GARLAND. Yes, sir; the man who has charge; that is correct. The heater has a number of helpers and the melter has men under him.

Mr. RHEA. Both he and his crew go off?

Mr. GARLAND. Yes, sir.

Mr. McCLEARY. The director and his crew work a certain number of hours?

Mr. GARLAND. Yes, sir.

Mr. McCLEARY. And when one quits the other quits?

Mr. GARLAND. Yes, sir. That has been the custom. I could not say what they do at Bethlehem, because I have no personal acquaintance with that. I can only speak of what I saw, and I have had experience in the Homestead works.

Mr. McCAMMON. There is a great deal of difference in the capacity to finish a large casting—of 100 tons, say—if you please?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON. In eight hours and twelve hours?

Mr. GARLAND. Yes, sir.

Mr. McCAMMON. It is much less likely to be completed in eight hours than twelve hours?

Mr. GARLAND. I think that is right. The large castings take more time.

Mr. McCAMMON. Then the four hours' change or the two hours' change may be very important from a manufacturing mechanical standpoint?

Mr. GARLAND. Yes, sir; it may be if not properly taken care of; but it is taken care of by the next crew now.

Mr. McCAMMON. That we contend is entirely begging the question.

Mr. GARLAND. You might say that as to fifteen or twenty-four hour crews.

I would like to ask, if the Judge will permit, if it is his intention now to inaugurate a new system to govern the committee in its actions from the one now in operation. That is, does he want to institute a plan of working fifteen or sixteen hours on the crew or is he going to accept what they are doing now in that business?

Mr. McCAMMON. What do you mean by "he" and "they?"

Mr. GARLAND. In your questioning of me you seem to try to leave off the question that they now work twelve hours, and incline to the belief that they work fifteen or sixteen hours.

Mr. McCAMMON. Of course you are fixing the question and answering it. I understand—

Mr. GARLAND. No, sir; I was asking you if you intended to so imply.

Mr. McCAMMON. I do not quite understand your remark, but I do not intend to do anything more than contend that it is wrong to the laboring man and wrong to everyone to compel him to force himself to leave off work at the end of eight hours whether he wants to or not. That is my contention, and I am simply trying to elucidate that contention.

Mr. GOMPERS. And your further contention is to try and prove that the system is impossible.

Mr. McCAMMON. Nobody ever said that.

Mr. GOMPERS. That is the contention of everybody upon your side.

Mr. McCAMMON. Not at all.

Mr. GOMPERS. The record shows it.

Mr. McCAMMON. Oh, no; it does not.

Mr. GOMPERS. The witnesses say it.

Mr. McCAMMON. They do not say it is impossible.

Mr. GOMPERS. Well, I say positively that the record shows it. It has been said to be impossible.

Mr. McCAMMON. Never. The word impossible has never been used.

Mr. GOMPERS. Well, I say that it has been.

Mr. McCAMMON. No, sir. It is mechanically preferable, and to obtain the best results—and that is the contention of Mr. Johnston and Mr. Dinkey—that one shift should be permitted to work more than eight hours if necessity demands in order to obtain the best results. That is the position of these witnesses and that is our position. The eight-hour system may be the best, but to compel a manufacturer to stop working his men, to stop a shift, at the end of eight hours, on a large casting, when better results may be obtained by permitting those men to work ten hours or twelve hours, that is the proposition.

Mr. GARLAND. I appreciate that, and I am saying simply in reply that now when castings run over twelve hours the men change, and it brings it back to the same point where it was.

Mr. McCAMMON. I understand your position; it does not militate against mine.

Mr. GARLAND. We agree, do we?

Mr. McCLEARY. I understand the fact to be that at the end of twelve hours they do change. Now, would it not be better for these men who have gone for twelve hours to continue for three hours more and complete the casting?

Mr. GARLAND. Would it be better?

Mr. McCLEARY. Yes.

Mr. HERBERT. And you never were deemed to have the superior knowledge and qualifications to fit you for a manager, and therefore you never were selected as manager?

Mr. GARLAND. I never made an application.

Mr. HERBERT. You never made an application, and nobody ever applied to you to accept such a position?

Mr. GARLAND. Yes, sir; I have had applications of that kind.

Mr. HERBERT. From whom?

Mr. GARLAND. From one of the companies now existing.

Mr. HERBERT. And you refused it?

Mr. GARLAND. Yes, sir.

Mr. HERBERT. Why did you do that; did you distrust your qualifications?

Mr. GARLAND. I thought I knew my own business, and I know it better than I can explain to you why I did not accept.

Mr. HERBERT. Do you claim that you know as much about the subject-matter about which Mr. Johnston testified here as he does?

Mr. GARLAND. I did not say that.

Mr. HERBERT. I am asking you—

Mr. GARLAND. No, sir; I do not say that.

Mr. HERBERT. Or as much about that matter as the superintendent of the Homestead works?

Mr. GARLAND. No, sir; I do not claim that.

Mr. HERBERT. You do not claim that you do?

Mr. GARLAND. No, sir.

Mr. HERBERT. You said a while ago—changing the subject—that some years ago there was a conference to which you were a party that resulted in trying the eight-hour system, and it was tried with a number of sheet-steel mills?

Mr. GARLAND. Yes, sir.

Mr. HERBERT. And it made progress, the eight-hour system, because it was found to be the best for the laborers and employers?

Mr. GARLAND. Yes, sir.

Mr. HERBERT. How far did it progress? Did it take in all the sheet-steel mills?

Mr. GARLAND. Yes, sir.

Mr. HERBERT. And it was adopted because it was found to be the best?

Mr. GARLAND. Yes, sir.

Mr. HERBERT. And because the managers of those mills knew what was best for them and for the workingmen too?

Mr. GARLAND. Yes, sir.

Mr. HERBERT. Did it make much progress in other steel mills?

Mr. GARLAND. How is that?

Mr. HERBERT. Did the eight-hour system make much progress in other steel mills?

Mr. GARLAND. Yes, sir.

Mr. HERBERT. Well, what percentage? I believe you said a while ago that you could not tell, but can you make any estimate at all as to the amount or percentage of other steel mills outside of the sheet-steel mills that were run on the eight-hour system?

Mr. GARLAND. Well, I should say in 1892, prior to July of 1892, that almost half of the output of the steel mills was on the eight-hour system.

Mr. HERBERT. Prior to July of 1892?

Mr. GARLAND. Yes, sir.

Mr. HERBERT. How is it since that time?

Mr. GARLAND. Well, there are not so many.

Mr. HERBERT. Not so many?

Mr. GARLAND. No, sir.

Mr. HERBERT. Then there has been a retrograde movement, so far as the eight-hour system is concerned, in the steel mills?

Mr. GARLAND. Apparently.

Mr. HERBERT. Well, if the steel mills adopted—if the sheet-steel mills adopted—the eight-hour system because it was beneficial, and the other steel mills began to adopt it because they thought it was beneficial, and then ceased to adopt it, that was because they thought it was not beneficial, was it not?

Mr. GARLAND. I do not know what their reasons are.

Mr. HERBERT. Do you not know, as a practical man, that the managers of those industries resort to what is best, as a rule?

Mr. GARLAND. You want me to say why they changed that, and I do not really know.

Mr. HERBERT. You are giving your opinion on other questions very freely, and I do not see why you should not give your opinion on this. Have you not an opinion on it?

Mr. GARLAND. I have an opinion on it.

Mr. HERBERT. I would like to have you give your opinion as to whether that does not indicate that in the opinion of the men managing these mills the eight-hour system is not a good system. Is it not your opinion that that is what they think.

Mr. GARLAND. No, sir; I do not think so.

Mr. HERBERT. That is not your opinion?

Mr. GARLAND. No, sir.

Mr. HERBERT. But you said the converse of that was true—that the sheet-steel mills went on that system because they thought it was a good system; and now you say that you can not say that the other mills did not go to it, failed to go on it, or went back from it, because it is not a good system?

Mr. GARLAND. No; to give you a frank expression, I think the reason they went back was because the other mills continued on the twelve-hour system, and therefore had an advantage of lower wages against them.

#### STATEMENT OF MR. JOSEPH E. RALPH.

Mr. RALPH. Mr. Chairman and gentlemen, I will state my name is Joseph E. Ralph, and I reside at No. 312 S street NE., in the city of Washington, D. C. Deeming that I have an idea of the questions you wish to be brought out as to my knowledge of steel, and so forth, I wish to go on in chronological order, to save time, on the questions that have been asked the previous witness, if the committee has no objection.

The CHAIRMAN. We would like to know first as to your opportunities for knowing in regard to these matters.

Mr. RALPH. I will state that I have been a steel worker ever since 1875, up to and including 1895, with the exception of two years and a half. Those two years and a half were 1890 and 1891 and part of 1892. I entered the pursuit of a livelihood in the steel mills at the age of 12 years, and worked up through various positions to and including that of confidential clerk of the manager of the mills. While my experience has not been in more than two or three mills, yet in my official capacity as chairman of the wage committee and as secretary of the Amalgamated Association of Iron and Steel Workers for the western district, which comprises the States of Missouri, Illinois, Wisconsin, Indiana, and Iowa, I became possessed of a great deal of information as to the processes used and applied in the various mills as they were operated at that time.

In the settlement of our wage those things were essential and entered into the discussion as to the wages paid—not only the wages paid in other mills, but the mechanical and practical methods of doing the work, which in many mills were not similar. I will state that in those years I have seen a great deal of history making in the processes of the manufacture of steel. I have seen the products increase three hundred fold, in some instances four hundred fold. I have seen the capacity for twelve hours increased from 75 tons to 1,000 tons. I have seen the price of steel go down to a very low figure, when it was hardly possible, in my judgment, to manufacture and make a profit in the condition of affairs as they existed.

Subsequently, from 1892 to 1895, I reentered the employment of the steel works at Joliet, Ill., in the capacity of confidential clerk to the manager of the blast furnaces, Mr. Miller. During the time I was out of the service I of course lost touch with the situation of affairs, yet I regained it during that employment, and I saw that during my absence from the work as an employee still further advances had been made in the processes and methods of the manufacture of steel, until at that time they had reached, I believe, the perfection that they hold to-day.

The market had been good, and the men had permanent employment, and the prices had been maintained through the organization of the various companies into a combine and otherwise; that instead of, as theretofore, going into the field of the open market as competitors, they went into the field as one, and divided the market, thus got contracts at their own prices, and they were able to pay fair wages.

I come here before this committee as a witness to give you the facts as I know them to be. I have not read the bill which is being discussed or considered by the committee. I am not interested in the bill any further than the interest I might have in the welfare of all concerned and what I deem to be right and just to the employees of those manufacturing industries, judging from that which I had experienced as an employee, and I want to state that I will give those facts just as I have found them. I do not come here as a man expert in the technicalities of the work or in the chemistry of it, and all that, but I do claim that I have had the opportunity of, and have acquired a practical knowledge of, the mechanical operations as operated by the mills.

During my incumbency as the chairman of the committee that settled the wages of the employees of the Illinois Steel Company and the Joliet Works, that entered into the combine with the Illinois Steel Company, and has since been absorbed by the United States Steel Company, it was my duty to familiarize myself not only

with the wages paid to the employees, but the actual operations and conditions in those and other establishments engaged in the manufacture of steel. True, in one mill the work was made very much easier and lighter than it was in another mill from the mechanical processes and operations, and I saw a great development in the mechanisms. I saw that improved machinery made it possible to a great extent to have a larger capacity. I saw labor-saving machinery introduced which eliminated 50 per cent of the skilled workers in the process of manufacturing steel.

But to touch now upon the principal facts, while I will state that I have no knowledge of the bill, and have not read it, I did read this morning in a short time, before being called as a witness, forty pages of the testimony of Mr. Johnston, the superintendent and manager of the Bethlehem Steel Works. While I do not set myself up as a man possessed of as much technical knowledge required in the manufacture of steel as Mr. Johnston, yet I will say that I believe Mr. Johnston stated it in what I read, all that was possible for a man to state in defense of the object he wishes to accomplish without coming direct to the point. He stated it ably, and I believe he is a very able man and fully conversant with the operations in the steel business, so much so that he consumed about twenty-five pages of his testimony to cite the fact that it was not feasible for one shift of men operating—or a heater and a melter operating—on a furnace, to turn that over to their successors. It took him twenty-five or thirty pages to intimate that, and I did not find in his evidence where he said positively that it was not so.

Now, I wish to say as a witness before this committee that it is not true.

Mr. McCLEARY. One moment upon that point. Your statement has been so clear that I want to get that last part. To me it is not quite clear.

Mr. RALPH. Very well.

Mr. McCLEARY. You allege that while he intimated in his testimony that such a shift was impracticable he did not say so.

Mr. RALPH. Yes; he did not say so in a positive way, that it was not feasible and possible to do so; but he cited arguments that it was not, and so insinuated by innuendo and intimations.

Mr. McCLEARY. And your statement is that if he had said so—that if he had so stated—that he would not have been stating the facts?

Mr. RALPH. Yes, sir; and I will base my opinion from my observations and experience that it has been a practice in the manufacture of steel; and while I have never visited the Bethlehem Steel Works, yet I am conversant with the custom at Homestead. I have seen steel manufactured in Homestead, and I have seen the shifts change, and I have witnessed the entire process from the first to the finished product where they put the templet on the plate, and it was cut in sections; and I have seen heats charged, and I have seen one heater come up and relieve another, and the crews change on the heats or casts.

And I know it is the practice of other mills, and it is possible to do it without injury to the quality of the steel. I know it is possible for one heater to turn over his heat to another heater, notwithstanding he may have operated on it for three or four hours and brought it up to a very high degree of heat; that the other man could take it and successfully carry out the heat and finish the steel, notwithstanding it might take him three or four hours longer, and could produce as good results as if the man who started it had finished it.

Mr. RHEA. Would it interrupt you to ask you a question here?

Mr. RALPH. No, sir.

Mr. RHEA. What is your opinion as to the product by those who change shifts and those who have continued through the whole process?

Mr. RALPH. My experience has been that there has been no discrepancy in the result, although in the manufacture of steel discrepancies have always existed; and while they have been able to find defects, they have always been able to locate where the fault originated. Perhaps through the carelessness of a heater, possibly, the steel may have been burnt; or a high per cent of sulphur.

Mr. RHEA. That is not the fault of the shift itself.

Mr. RALPH. No, sir; I am speaking of the ingots that have been cast by open-hearth process. But in the result of the Bessemer process the man who blows the steel in the Bessemer process governs his judgment by the conditions of the flame and amount of carbon that is being forced out of the mouth of the vessel that contains the molten iron, and when that flame attains to a certain hue and the conditions are in his judgment just what they should be, he says "That heat is blown sufficiently now to cast." Very often he makes a mistake and makes a failure; it is underblown or overblown, and the per cent of carbon is not what the contract of the company or the demands of the company would require.

Mr. RHEA. Now, has the quality of the product been equal where the change has been made, the change of heaters and the shift and all, to the quality where it has been a continuous process?

Mr. RALPH. Yes, sir.

Mr. RHEA. Is that your private theory or knowledge?

Mr. RALPH. Yes, sir; my knowledge.

Mr. McCLEARY. You said a moment ago that Mr. Johnston nowhere said definitely that a continuous service was necessary. How do you explain this statement?

"I have seen heats of crucible steel up to 60 tons poured from hand pots by men into one mould."

That is the preparatory statement. Now, here is the statement:

"A heat of this kind requires the constant supervision of one very able man and numerous assistants, and sometimes in time anywhere from ten to fifteen hours' consecutive work."

What does he mean by that?

Mr. RALPH. As I interpret the statement of Mr. Johnston, it requires the supervision of some man who is versed in the knowledge of what they wish to accomplish with that cast, the conditions of the steel—the analysis of the steel I mean by conditions. It is very rarely that such a large casting of crucible steel is made. I have never seen such a cast. But I will state that it is possible to make such a cast, and even larger, but it would require a very extensive plant and large number of crucibles, in the molten crucible, or in retorts, or in the process they have of preparing crucible steel, to get an ingot of that size; but I have not any idea for what purpose an ingot of such size would be used. But in my judgment it would not mitigate against the success of that cast to have the shifts changed during the cast.

Mr. McCLEARY. Do you understand that is the meaning of Mr. Johnston?

Mr. RALPH. I would understand that he meant the supervision of the superintendent.

Mr. RHEA. You interpret that to mean that at all stages there must be an absolutely skillful man at the head of it, but not the same man?

Mr. RALPH. Not necessarily so. I think that is less true in the manufacture of steel than in any other industry; that the cooperation of the men in the manufacture of steel is so perfect as to accomplish anything without the direction of a foreman or superintendent. The heater is anxious and has a great deal of zeal and pride in his efficiency as a heater, and the helpers and men on the rolls likewise have that same pride, and they cooperate, and if one is in difficulty or there is some hitch in the machinery at any point they all rush there to assist and correct the difficulty. That is true everywhere, with the exception of some of the mills I have heard quoted here. Most of the mills pay tonnage on the finished product of the mills, and I would say, to close up very briefly—

Mr. McCLEARY. Pardon me a minute before you close. I want to ask you one or two questions. Mr. Johnston says here, as I have just read:

"A heat of this kind requires the constant supervision of one very able man."

Now, do you understand that that is the same man through all the process, or only some one man?

Mr. RALPH. I understand that that would refer to the superintendent or manager of that particular plant.

Mr. McCLEARY. To the same one through the whole period?

Mr. RALPH. I understand him to say so; yes, sir.

Mr. McCLEARY. You understand him to say the same man?

Mr. RALPH. Yes, sir. But I imply that he did not refer to the workmen who operate the furnace, but to the superintendent who assumed the responsibility of bringing out the cast and the various processes of perfecting the same cast. The heater has no knowledge of chemistry and can not influence or alter the chemical condition of the steel.

Mr. McCLEARY (reading). "The constant supervision of one very able man and numerous assistants."

Does the same interpretation apply to "numerous assistants?"

Mr. RALPH. No, sir; I hold that with a heat of that kind the man who is operating it or who is responsible for producing the required result in that heat so that it is in condition to cast could be relieved at any time by another man who is recognized by the company as competent to fill that position as efficiently as he.

Mr. McCLEARY. Is that what you interpret Mr. Johnston to have meant?

Mr. RALPH. I interpret him to have meant in that statement a superintendent who, evidently, in the Bethlehem plant, must possess supernatural powers. I do not interpret it as meaning a heater; but if that was what he meant, I would state that in my judgment a heater could be relieved at any time. I at one time filled a very expert position in the mill involving the manipulation of intricate machinery, and there was great rivalry between the operatives on shifts.



You take, for instance, A turn, starting on Monday morning. It is on day turns that week. It is relieved by B turn. The hours are from 6 a. m. to 6 p. m., and for B turn from 6 p. m. to 6 a. m. The man who comes in relieved me at 6 p. m., perhaps half-past five; he would immediately relieve me. But I was paid for the product of that day; and vice versa. If I came in early in the morning I relieved him, or if I was a little late he continued working until relieved. But we were paid on the product of the twelve hours worked by our turn or shift. That has been applied to the making of steel in the various branches in all steel mills. The melters, the steel blowers, and men in various other capacities requiring a high degree of skill relieve each other. They apply it in the operations at Homestead; that I have seen—the same operation applied in the relief of shifts at the Homestead mills. I so witnessed it.

Now, to revert to the twelve hours. During my employment it was customary to work twelve hours, and we had two shifts. In 1895 there was a revival of the steel business, and it has grown continually from that time, until now, I believe, it has reached such an extent that the mills have all the orders they can work upon and the capacity of the mills demands.

In 1898 the orders were very great with the iron and steel company, particularly for billets, rods, rails, structural steel for buildings, and steel wire, and the manager of the Illinois Iron and Steel Company said to the employees, "We want you to work until 5 o'clock Sunday morning, and to commence work at 10 o'clock Sunday night." The men said, "We can not do it. There is a limit to our endurance. We believe we are giving you all that we are capable of now." "Well our contracts are such that we demand an increased output, and we can only get it by working those hours. We are behind in our orders."

The men held a conference and made a suggestion to the employers to go on the eight-hour basis of three shifts, and it was accepted by the company, and in 1898—December, 1898—when they were making the contracts for 1899, they entered upon the eight-hour basis, which applied to several of the mills, and the men employed there now, and the management as well, and I have it from the manager of the mills that they consider the eight-hour basis a great blessing; that it has been a decided success; that during the month of January, 1898, the product of both turns under similar conditions to what they have there now, without any additional improved machinery, and the same number of employees on an average—the product of both turns for the month of January, 1898, was 35,465 tons. That was the gross output of the mill for both shifts, working twelve hours a day and not working later than 6 o'clock Saturday evening.

Mr. McCLEARY. That was the monthly output?

Mr. RALPH. Yes, sir; the monthly output. The same mill, under the same conditions, but working three shifts of eight hours, instead of two shifts of twelve hours, on January, 1902, last, produced 48,690 tons. That shows a great increase in the capacity of the mills, which I claim is the result of working eight hours.

Now, that increase I argue is brought about by the mental and physical condition of the men, they being able to give all that they are capable of giving in eight hours, and permit of crowding, but being compelled to work twelve hours there was a relaxation in their physical efforts, and they did not accomplish the same results in ratio for twelve hours. So that, in my judgment, from my experience as to steel workers, better results can be obtained, the capacity of the men is greater, and the output is greater by working eight-hour instead of working twelve-hour shifts.

Mr. McCLEARY. Has there been any change in the quality of the machinery?

Mr. RALPH. No, sir; I say none. I will state what would be an incentive further; men who work twelve hours necessarily suffer a reduction of wages of 33½ per cent by reducing their wages to the eight hours. In other words, a man who worked twelve hours expected, when he started in, to give up 33½ per cent of his wages. But it has been proven that the men on that account felt a necessity and felt a greater zeal in the work in order to increase the output of the eight hours, and they have succeeded in making almost as much money in eight hours, only a small per cent less, as they did in 1898 in twelve hours.

Mr. RHEA. Your statement is that under the eight-hour system the output has been increased. What about the quality?

Mr. RALPH. The quality of the steel has been maintained, because anybody who makes a contract with the steel companies now necessarily implies in that contract that the analysis of the steel shall be maintained to a certain point; and aside from that, that the tensile strength and other conditions that enter into the test of the steel shall be up to the standard, and they maintain inspectors on the premises to see that it is kept up.

Mr. RHEA. That there has been no deterioration of the quality?

Mr. RALPH. No, sir; it has been rather improved, I should say; so that those two points I would touch upon before this committee. In my judgment the changing

from the twelve-hour basis would not retard the progress of the work, would not in any way jeopardize the quality of the steel, but rather, I believe, would increase the output.

Now, it is true we may argue, if I am a manufacturer and go from the twelve-hour basis to the eight-hour basis, possibly the cost of producing a ton of steel will be increased. You take the interest on the investment of the plant, the raw material; take the insurance; take the cost of mechanical wear and repairs; take the wages of mechanics and laborers. But while you say that has nothing to do with the mill, yet it will all be taken into the account of arriving at the cost or profit per ton, and from that we derive our income, and consequently all material or labor consumed enters into the cost, and when you figure that out and figure that it costs a certain sum to produce a given amount, the labor of these men having entered into the product, they will say that it is necessary to make a reduction of so much in their wages. A man as a common laborer in the mills where I worked, 12 cents was the minimum rate per hour. Now, in my judgment, the man who got 11½ cents per hour, the amount paid at Bethlehem works, and worked as I have known them to work, would not stand for any 90 cents a day on a basis of eight hours. He would seek employment elsewhere, and that company would have to increase the wages of the laborer sufficiently to induce the man to give up that additional number of hours so as to give him sufficient to sustain himself and family. Consequently that would be a small increase in the cost of producing a ton of steel; but the great increase of the output of the steel by three shifts instead of two would minimize and reimburse the company for all the losses they would suffer through said increase in cost per ton of producing the steel.

Now, there is nothing else I can add, but I would be glad to answer any questions the gentlemen would like to ask me.

Mr. McCLEARY. When you say they make practically as much in eight hours as formerly in twelve hours, your judgment is based on their being paid by the work accomplished and not by hours?

Mr. RALPH. Yes, sir; they pay tonnage.

Mr. McCAMMON. In that connection does not that increase the product of the twelve-hour mills as well as of the eight-hour mills, and has not their product increased in that same proportion?

Mr. RALPH. Well, I think not, as history proves the contrary. "I could not state intelligently, and I do not believe I am competent to answer that as applied to Bethlehem works.

Mr. McCAMMON. Do you not know, as a matter of fact, that the shifts at Homestead and Bethlehem do not change on forging and bending plates?

Mr. RALPH. On forging and bending I do not know the fact that they do not change; no, sir.

Mr. McCLEARY. Do you assert the fact that they do?

Mr. RALPH. I assert that I witnessed the operations of the Homestead plant just prior to the strike, and that the operations of the men as an entirety did change. Now, what were conditions then and facts then are perhaps no longer facts to-day, but it demonstrates the feasibility of having done such a thing; that is all I testify to.

Mr. McCAMMON. Has the machinery generally used in Bethlehem and Homestead and similar mills improved from 1898 to the present time?

Mr. RALPH. Well, I can not say. I have not visited Homestead during that interval.

Mr. McCAMMON. I said in similar mills.

Mr. RALPH. In similar mills?

Mr. McCAMMON. Is it not a fact that machinery has been greatly improved in the last few years?

Mr. RALPH. I made the statement that I believed the perfection of machinery had been reached in the manufacture of iron and steel in 1898.

Mr. McCAMMON. It had?

Mr. RALPH. Had reached its perfection in 1898.

Mr. McCAMMON. How about methods in connection with the manufacture of the machines of 1896?

Mr. RALPH. You mean the technique of the manufacture of steel?

Mr. McCAMMON. Yes.

Mr. RALPH. Well, perhaps the methods in the manufacture of armor plate have been changed slightly to meet the demands of the Navy Department as to the analysis of it. That is the technical part that I do not believe I am competent to touch upon. But the mechanical processes have not changed in the matter of heating and producing results, rolling and heating; those have not changed. It may be possible that they have introduced an additional cog to speed the machinery up, but it produces the same result, merely with greater capacity.

Mr. McCAMMON. What knowledge have you of the art of manufacturing armor plate of large proportions?

Mr. RALPH. A knowledge gained from Homestead. I have a knowledge from having witnessed it numerous times, and having discussed the subject with the men who were themselves engaged in the manufacture of it.

Mr. McCAMMON. At what date?

Mr. RALPH. Just prior to the Homestead strike.

Mr. McCAMMON. 1892?

Mr. RALPH. Yes, sir.

Mr. McCAMMON. The strike was in July, 1892?

Mr. RALPH. I should say in 1890. I would not say later than 1890.

Mr. McCAMMON. You have not any knowledge of the manner of manufacturing armor plate since that?

Mr. RALPH. No, sir. I made repeated efforts, not through any motives that were hostile to the company, but because I have always taken a great interest in the process, to gain admission to the Homestead mills, but I could not gain admission as a sightseer or otherwise.

Mr. McCAMMON. Have you any knowledge of when Homestead began the monthly delivery of armor plate to the Government?

Mr. RALPH. I do not profess to be competent to testify to any deliveries or conditions of contract between the Homestead Company—

Mr. McCAMMON. What was the character of the armor plate manufactured at the time you visited the mill? What was its commercial name?

Mr. RALPH. Harveyized steel. At the time I was perfectly familiar with the conditions, and there was a great deal of criticism under the administration of the gentleman sitting there, Mr. Herbert, or shortly after that, about the quality of armor produced by Homestead, and I understand charges had been preferred by employees that there was not a proper zeal, possibly, on the part of the representatives of the Government who were there as inspectors, and that the management of the mills, the Carnegie mills, furnished the Government an inferior quality of steel. I am not familiar with the details of the analysis or the technical terms in the condition of the steel. My memory does not serve me, but at that time I did have all that.

Mr. McCAMMON. You remember that you did see something that you thought was to the discredit of the company; you remember that distinctly?

Mr. RALPH. Yes, sir; I remember that. I do not think it was to the discredit of the company, but through the gross negligence and indifference of the Government representatives who inspected the steel; and I wish to say that I do not wish to cast any reflections upon Mr. Herbert. At that time I was offered a position by Mr. McAdoo, Assistant Secretary, as an inspector of steel, and I refused it. I was called in to take it, but I had a superior position at that time.

Mr. McCAMMON. Then you know nothing at all of the kind of armor that is now manufactured, and you have not any knowledge whatsoever of the kind of armor now manufactured, or how manufactured?

Mr. RALPH. I have not got the knowledge of the technique of the armor used, of the requirements and standards of the company in manufacturing it. I stated positively that I have not that. I have a knowledge of the mechanical processes to gain or accomplish that desired result.

Mr. McCAMMON. Up to 1892?

Mr. RALPH. Yes, sir.

Mr. McCAMMON. Then you do not know that the armor made at the present day is entirely different, quite distinctive from anything you have any knowledge of?

Mr. RALPH. I take it for granted it is a superior armor. We are constantly improving the metal by introducing various composites to make it meet the improved demand.

Mr. McCAMMON. Are you aware of the fact that this latter inquiry, so far as the testimony of Mr. Johnston and Mr. Dinkey is concerned, relates to the exceptions and not to the rule that you and Mr. Garland speak of? Mr. Garland discussed it, and you are discussing it in a great measure as to the rule and not as to the exceptions. Our inquiry has been directed for several weeks to the exceptions. Questions have been asked you by members of the committee as to what it is you have in mind and you have said yes, that your remarks referred to the best quality of steel. Now, we are not denying anything at all, except we are asserting that the inquiries that we have put on foot related to the steel that is manufactured by Carnegie and the Bethlehem works for the Government, the highest quality of armor plate and the largest forgings that have ever been made. I think Mr. Johnston says in his testimony that they have manufactured the largest forgings ever made.

Mr. RALPH. In this country, I believe.

Mr. McCAMMON. The largest he knows of. Now, I wish to call your attention in this connection to an extract on page 9 of Mr. Johnston's testimony, in which he says:

"The 16-inch jacket required by this Government for a 16-inch gun was made from an ingot and weighed 84,532 pounds—about 85,000 pounds—25½ feet in length, 45 inches outside diameter, with a 20-inch hole, requiring an ingot weighing 250,000 pounds. The heaviest of the other ingots was 150,000 pounds, to produce a forging of about the same weight."

I presume he means the heaviest of the other ingots up to that time.

"This ingot was about 100,000 pounds heavier, due to the fact that Government requirements cut off a larger percentage of scrap, and necessarily so, to procure better material—finer material. But a heat of this kind weighing that amount can not be produced in eight hours anywhere in this world, or if it can, I want to find the man that is able to do it. We will pay him anything he wants to do the business. He is just the kind of a man we are looking for."

Have you any knowledge of anybody who can produce such an ingot in a less time than eight hours, or eight hours' continuous work?

Mr. RALPH. I have not any knowledge that such an ingot can be produced in eight hours. The largest ingot that I ever saw cast was 110,000 pounds. It took the capacity of two or more furnaces to cast that ingot, and it took a great deal of time, as Mr. Johnston says, to prepare the ingot and to make it.

Mr. McCAMMON. This took four furnaces?

Mr. RALPH. Yes.

Mr. McCAMMON. Now, the ingot you spoke of; how long did it take to cast and finish; how long did it take to prepare the heat and make and cast it; just make a guess?

Mr. RALPH. I should say six hours, if my memory serves me right.

Mr. McCAMMON. Six hours?

Mr. RALPH. Yes, sir.

Mr. McCAMMON. And how long to finish the work?

Mr. RALPH. After they made the cast, of course it took them just sufficient time to run off the metal into that mold—fifteen or twenty minutes, possibly more. I do not question Mr. Johnston's statement in that respect at all; but such a large ingot is an exceptional thing, and very rare.

Mr. McCAMMON. We are talking about exceptional things. It is not rare with them, however.

Mr. WARNOCK. It is not in controversy that it took more than eight hours for a great deal of this work.

Mr. RALPH. But another man is just as competent to finish that heat and complete the casting as the one that first had it.

Mr. McCAMMON. Mr. Warnock, of course it is very difficult to explain without repeating the whole question, but in Mr. Johnston's testimony he said that the best grade of material and the highest grade of work can not be properly finished by two shifts.

Mr. WARNOCK. That is the point.

Mr. McCAMMON. I am repeating it because this witness says that he has gone over and taken it, and I assume that he understands that to be our position, and that in instances such as this which Mr. Johnston has related of the casting of an ingot weighing 250,000 pounds, that could not be properly done in eight hours, and it has to be done by one gang of men to be done properly.

Mr. GOMPERS. That is what we are disproving.

Mr. McCAMMON. Trying to.

Mr. RALPH. I believe Mr. Johnston to be a very capable man, from the evidence he has furnished here as a steel worker, but on the other hand, as a witness who takes exceptions, I believe he made the best argument that he could under the circumstances. Now, you say there were four furnaces used in making that ingot, and I take it for granted that there were four heaters on those four furnaces.

Mr. McCAMMON. Yes; of course.

Mr. RALPH. That being the case, those heaters must accomplish the same results, because there must be the same conditions of analysis as to sulphur, phosphorus, and carbon, etc., so that they shall accomplish the same conditions, so that the heats from the different furnaces shall mix and amalgamate and make one uniform cast, and that goes to prove that the men who follow could accomplish the same thing under the same conditions.

Mr. McCAMMON. But it was all under the direction of one man?

Mr. RALPH. I do not say that the superintendent of the mill gives any directions except when called upon in a perfunctory way.

Mr. McCAMMON. Do you mean to say that one man is in charge of the heat?

Mr. RALPH. One man is in charge of the furnace.

Mr. McCAMMON. And there is an additional man in charge of the heat?

Mr. RALPH. I have not found it so in my experience.

Mr. McCAMMON. Of course your knowledge is ten years old; but I will state it as a fact that one man is in charge. And if you prove that one man in an operation, to produce the best product, has to work more than eight hours, then this bill is faulty in that respect. That is our position. So that if you can bring yourself to discuss the question as to whether it is not possible, in your judgment, from what knowledge you have, and your experience, that one man should under such circumstances control and supervise an operation for more than eight hours, would not that prove our position?

Mr. RALPH. I will state that if I was the manager of a mill or an employee of a mill who had made statements that I believed I could improve the conditions of the steel if I were permitted to supervise, and if I were experimenting with a desire to accomplish a certain thing in the improvement of the steel. I would insist on myself supervising that if it took eight or twelve or sixteen hours, till we accomplished that fact.

Mr. McCAMMON. Now, Mr. Ralph, are you not aware of the fact that there was no armor plate made in this country prior to the year 1892, or in 1892?

Mr. RALPH. In 1892?

Mr. McCAMMON. Yes.

Mr. RALPH. I know that the product of Homestead was known on the market and recognized as armor plate.

Mr. McCAMMON. Yes; imported armor plate, but Homestead made no armor plate.

Mr. RALPH. 1892? Oh, yes; I beg your pardon; they did.

Mr. McCAMMON. Are you not aware of the fact that no armor plate was made either at Homestead or at Bethlehem prior to July, 1892?

Mr. RALPH. No, sir; I am not aware of that fact. I have testified that I visited the Homestead works and witnessed the manufacture of the product called armor plate and sold to the Navy as armor plate prior to that, and furnished to foreign countries as that; whether you call that part of the hull or the vessel receiving plate below the water armor plate or not makes no difference, because it was known as armor plate, and I so state it to be, and can prove it to be such.

Mr. McCAMMON. I would like to give you this example and ask your view of it.

In hoisting an armor-plate ingot from the pit almost one hour's time is consumed. If the end of the shift comes in the middle of the operation, while the crane is away from the ladder upon which men gain access to the cage of the crane, how would it be possible for the new crane man to relieve his mate promptly at the end of the shift?

(The witness says he understands that question.)

Mr. RALPH. I do, sir. I have seen the operation applied many times. This is an electric crane. They attach chains and other devices and dogs usually in that business to raise that ingot, but I dispute the statement that it takes an hour, unless it takes an hour to strip that ingot, or the ingot must remain an hour to solidify. But as to the operation of getting a man up on that crane, it seems to me if the Carnegie or Bethlehem works had intelligent foremen they would get them up there if they had to put them through the roof. I do not consider that question pertinent. But as to taking an hour, I believe the same thing would apply to the twelve hour day shift that would apply to the eight hour day shift. It is customary in the manufacture of steel where they are operating twelve hours now. Take the case at Homestead; ten minutes before the closing time they blow a whistle, and when the whistle blows if they are engaged on a heat they will finish it. It does not necessarily mean the same men would finish it. If another man came to relieve them, for instance, if a man was manipulating a lever at the rolls, or he was heating a furnace, the other heater would go on, say "Hello!" "Goodbye!" "You're off!" He finishes that heat.

Mr. McCAMMON. Does he not find out the physical and chemical composition of the metal?

Mr. RALPH. He has nothing to do with that.

Mr. McCAMMON. The man who goes on?

Mr. RALPH. The man who goes on. At times there might be a boy whose duty is at the beginning of the cast, and that boy might come in and take a sample from that heat in a mold, and later on another one, and that sample is allowed to solidify, rushed in under a steam hammer, and it is drawn out and it is drilled. The particles of steel in drillings are rushed to the chemist, and he says whether there is the right amount of phosphorus, carbon, and so on, and whether the requirements are right, and perhaps there may be a question about that.

Mr. McCAMMON. Certainly when a change is made the man who comes on must be told about the physical and chemical condition of the heat; that information is communicated from one man to the other at the change of shifts?

Mr. RALPH. Well, usually to a few interested parties, who would be the manager of the mill or his representatives, to see that everything is right, but not to the heaters.

Mr. McCAMMON. Within your own knowledge does any firm who have adopted the eight-hour day carry it out to the letter, and not permit men to work overtime?

Mr. RALPH. No, sir; I have worked thirty-six hours in the rolling mills.

Mr. McCLEARY. In succession?

Mr. RALPH. Yes, sir.

Mr. McCAMMON. And you were paid well for doing it?

Mr. RALPH. Yes; fairly well.

Mr. McCAMMON. At that time would you have liked to have been told that you could not work but eight hours?

Mr. RALPH. I will answer that question, and state that at that time I was anxious to work twelve hours a day. I will say that I worked forty-four hours, and have been paid for forty-four consecutive hours' labor in the rolling mills. When I speak about handling this machinery and the dexterity of it, there were only three men of us who were competent to manipulate that work, and in the absence of one it necessitated one of the others working in his place, and we were so vain about the expertness with which we did that work and so proud of our reputations, and there was so much rivalry about doing that work and accomplishing good results, that we guarded our reputations very jealously, and if I wanted to get off, if I had to attend a funeral or something else that compelled me to get off, I would call upon the man who worked at night to relieve me at 12 o'clock, which he did; he would do that for me, and I would return it some other time.

And so, if through illness or some other reason he had to be away, it devolved upon me to work extra. In addition to that, I had charge of the machinery and making repairs. I learned the trade of machinist in connection with the steel business, and when I speak of this machinery—I used to supervise the operations of this machinery for repairs, etc.—and we found that with a change of friction, or with a change of gearing, etc., that there was an imperfection or misfit, necessitating the return of machinery to shop for alterations. We wanted to commence operations Monday morning, and we did everything possible so that the operations might commence promptly Monday morning at regular hour, and I remained from Saturday morning until Monday night several times supervising such a job.

Mr. McCAMMON. Of course you admit that the manufacture of armor has been very much improved in late years?

Mr. RALPH. Yes, sir.

Mr. McCAMMON. And it is possible that the company has found that it can not allow changes now that did exist?

Mr. RALPH. I don't think so.

Mr. McCAMMON. Is not that possible?

Mr. RALPH. No, sir; I do not believe it. In my knowledge of the operations I do not believe it is possible.

Mr. McCAMMON. Although you have a knowledge of conditions in 1892, you have not a knowledge of the conditions there at the present time?

Mr. RALPH. Well, I will state for the benefit of the judge that I have, whenever necessity offered itself, kept up with the progress of the work.

Mr. GOMPERS. Just a word. You say, Mr. Ralph, that you are not familiar with the provisions of the bill?

Mr. RALPH. No, sir; I have never read the bill.

Mr. GOMPERS. Let me say that the bill, as its title implies, is to limit the hours of labor, of the daily services of laborers and mechanics employed upon work done for the United States or any territory or the District of Columbia, and so forth. It proposes to limit the hours of laborers and mechanics. If any man in one of the plants to which you have referred has the superintendency of a great heat for an immense ingot, you understand that he occupies a position in that plant other than a laborer or mechanic?

Mr. RALPH. Yes, sir; he is the company.

Mr. GOMPERS. And therefore this bill does not apply to him.

Mr. RALPH. With my interpretation of the bill, I would say not, any more than it would apply to the clerk who kept books for that company.

Mr. GOMPERS. You have been questioned relative to the improved methods and the improved machinery that has been employed in the iron and steel mills?

Mr. RALPH. Wonderful improvements.

Mr. GOMPERS. Has the tendency, so far as you know, of the improved methods of machinery been to simplify the production of steel?

Mr. RALPH. To simplify and increase the product, that has been the aim—the chief aim, but I will say for the benefit of the committee now that that rivalry does not exist in the manufacture of steel that I spoke of. I can not speak for our friend Johnston's plant, because I do not believe I am competent to do that, but I am speaking of steel

works generally; that that rivalry does not exist in competition as it did formerly, where it depended on the lowest bidder to get the contract. Take steel rails, for instance. One man by an improved process of machinery was able to make a ton of steel rails cheaper than another man, and therefore he secured the contract. That rivalry brought about the improvement in machinery and labor-saving devices, until I say, in 1898, I believe they came to that acme in perfection where they ceased to further attempt the improvement; they have gone as far as they can in that direction. Of course, I recognize this, that perhaps there is no class of men in the world who occupy a more responsible or difficult position than men like Mr. Johnston, who are subordinate to the owners of a big plant. A man like that is responsible to them and he is expected to get the best results. If somebody else somewhere can produce a thing for 5 cents a ton less than it is being produced for at these works, then the company want to know why that is so.

Mr. McCAMMON. Does not the time of delivery form a very important element in modern contracts? Is not that one reason that we have been able of late years to obtain contracts abroad over foreign producers of steel—is not that one reason?

Mr. RALPH. No, sir. I will say the reason why we can take the contracts of steel from Europe is the superior intelligence of the workmen in our steel mills.

Mr. McCAMMON. I admit that, but I am only asking you whether this question of time is not one reason.

Mr. RALPH. And the increased facilities for doing it that have been brought about by rivalry of the different firms to accomplish that end.

Mr. McCAMMON. But can you say that the fact that American manufacturers can deliver in less time has nothing to do with securing those contracts?

Mr. RALPH. Time has everything to do with the contract. But speaking as a whole, I would say it is not a consideration, because if you enter into a contract now they will say, "We will not specify the delivery." It is subject to strikes and so on, so you haven't any certainty that you can hold the company for the time.

The CHAIRMAN. Government work is taken under time penalty.

Mr. RALPH. Yes; they build Government buildings under time penalty; but there are always things in the specifications that give the contractor a chance to evade the enforcement of the law.

Mr. GOMPERS. There is Mr. Gwynn, whom I desire to testify, and there are five or six others, and if Mr. Gwynn testifies I think it will be sufficient without the necessity of calling the others, simply because perhaps they would testify along the same line.

Mr. GRAHAM. How long do you think it would take?

Mr. GOMPERS. I should say the direct testimony ought not to take more than fifteen or twenty minutes.

Mr. McCAMMON. As a matter of fact, we agreed to divide the day. I would like that contract to be observed. I have three witnesses who are laboring men. It is understood by those who have attended these meetings—the question has forced itself upon the committee—how do the laboring men stand in reference to this bill, other than those represented by Mr. Gompers and his friends? The latter, of course, represent but a fraction of the laboring men of the country. We would like to give them an opportunity to be heard by the committee.

Mr. GOMPERS. I do not think it would take more than fifteen or twenty minutes for this witness I have spoken of.

Thereupon, at 1 o'clock, the committee took a recess until 2 o'clock p. m.

#### STATEMENT OF MR. CHARLES L. GWYNN.

Mr. GWYNN. I reside in Washington. I am a machinist. I have had about twenty-six years of practical experience as a machinist, and I might say that that experience has been quite varied. I have had the honor of being superintendent of construction of one company that I worked for. I was general superintendent of construction for that company for three years. I resigned my position with them and started a machine works of my own, which I conducted for several years, and, owing to circumstances over which I had no control, I am now working as a journeyman machinist in the Washington Navy-Yard.

Mr. GOMPERS. Mr. Gwynn, are you familiar with the operations in the turning of guns?

Mr. GWYNN. I am; yes, sir.

Mr. GOMPERS. Also with the boring of a gun?

Mr. GWYNN. Yes, sir.

Mr. GOMPERS. Is it absolutely essential that a man who is turning a finishing surface for assemblage of a gun, boring a hole, or turning off the outside of the tube

on which a hoop or jacket is to be shrunk, should complete the work on which he starts?

Mr. GWYNN. No, sir; it is not done in practice. It is simply a matter of impossibility to do it.

Mr. GOMPERS. Mr. Johnston, the superintendent of the Bethlehem Steel Works, had testified that it is absolutely essential.

Mr. GWYNN. Well, I can only say as to that, I do not know what it is absolutely essential or necessary to do in Mr. Johnston's works, or the works that Mr. Johnston is connected with, but I do know that it is not absolutely necessary to do it in the Washington Navy-Yard or any other place that I have ever been connected with.

Mr. GOMPERS. In the event of your being engaged on a cut, can you at any given point turn it over to another man equally skilled as yourself to complete it?

Mr. GWYNN. Certainly.

Mr. GOMPERS. And if he is equally as skillful as you he can turn out the result just as well as if you had continued it yourself.

Mr. GWYNN. Yes, sir. I will just relate a little incident which will probably answer that question to your satisfaction. I am at present engaged in boring 8-inch guns—8-inch 50-caliber guns. Last Saturday morning at 10 o'clock I started a finishing bit in an 8-inch gun from the muzzle end. I ran that machine up until half past 3, and the man who relieves me came in at half past 3, took the machine from me, and ran it until half past 11 Saturday night. Then the entire navy-yard was shut down. The machinery was shut down until Monday morning at 7 o'clock, when I took charge of the job again myself. I ran it until half past 3 Monday afternoon, and my relief came at half past 3 and relieved me, and at half past 9—about half past 9—Saturday night the bit was through the gun, and the job was completed.

Mr. GOMPERS. Saturday night or Monday night?

Mr. GWYNN. I am mistaken; I mean Tuesday night. The point that I am anxious to make is this, that that finishing cut was stopped from half past 11 on Saturday night, and the gun lay dead, as it were, until 7 o'clock on Monday morning, and then I started the machine up and ran it until half past 3 o'clock Monday afternoon, and then the other man took charge of it at half past 3 and ran it until half past 11 that night, and then the machine was stopped again for the balance of the night, until 7 o'clock in the morning.

Mr. GOMPERS. Do you ever take the finishing bit out of the gun tube after the finishing cut is started?

Mr. GWYNN. Well, that depends on circumstances. In this case we did not. The bit was started and went right through the gun. But there is a rule in the navy-yard, in regard to 12-inch work, where we are not allowed to run the finishing cut, or, in fact, any of the other cuts, over 5 feet. Then in that case the machine is not only stopped, but the bit—that is probably a term that is used in machine shops practice that you do not all understand. The bit is the tool that does the cutting. The bit is taken out of the gun, and not only taken out of the gun, but it is removed probably a thousand feet, I should say, put on a truck and hauled a thousand feet over a stone pavement to the tool rooms and sent back and put back in the gun, and trued up and put back in the gun, and then continued for another 5 feet, when the same operation is repeated; and that operation is repeated over and over until the gun is finished.

Mr. GOMPERS. And the net result is of the same grade of excellence as if it were continued through?

Mr. GWYNN. It certainly is. Our work is, so far as my experience goes, subjected to the closest inspection I have ever had to contend with. We are allowed probably three one-thousandths of an inch. If we get away from that, over or below the size, the result is that our pay is cut down or we are reduced in some way.

Mr. McCLEARY. That is about the thickness of a piece of paper?

Mr. GWYNN. One one-thousandth of an inch is the thickness of a cigarette paper. They will measure one one-thousandth of an inch in thickness with a pair of micrometer calipers.

Mr. GOMPERS. In what condition do you receive the castings?

Mr. GWYNN. When we get the rough castings or forgings, as we call them, they are in about the same condition that the castings would be that we get out of an iron foundry—they are machined to a certain extent; I do not know why, I do not profess to know why, but I should suppose that the Government places some restrictions on Washington, and so forth; and then, on the other hand, by taking a cut off the casting it allows the inspector to see what the metal is. There is a rough cut taken off the casting, or probably a half dozen of them. We do not know—I do not know anything about that, but it is in a very crude state. They are not round—straight—the gun tubes when we get them. They are sprung as much as—I know in my experience I have had them sprung as much as three-quarters of an inch.



Possibly a tube for a 12-inch gun is about 41 feet long, and possibly 18 feet of it would be perfectly straight—that is, practically straight, not perfectly—and maybe in the next 10 feet of length you will find a kink in it that will throw it out of true, possibly a quarter of an inch. In that case we have to throw the gun so that the tube will bore out inside and at the same time leave metal enough on the outside to true off.

Mr. GOMPERS. How much do you take out of these gun tubes?

Mr. GWYNN. Well, the 12-inch work—the 12-inch tubes—when we get them measure 11 inches. Of course they have to be bored out about 12 inches in diameter. That amounts to 1 inch to take out of it.

Mr. McCLEARY. That amounts to a one-half inch cut?

Mr. GWYNN. To a half-inch cut on the side; yes, sir.

Mr. GOMPERS. Mr. Johnston testified that all the forgings that the Government received are rough turned—are finished within one-eighth of an inch. What is your experience in regard to that?

Mr. GWYNN. One-eighth of an inch of what?

Mr. McCAMMON. One-eighth of an inch of the finished size.

Mr. GWYNN. Well, we can take one-eighth of an inch; in fact, we can take one-quarter of an inch in diameter—that is, one-eighth of an inch on the side—and not take the black out of it, on any casting that comes in there.

Mr. McCLEARY. What do you mean by "the black?"

Mr. GWYNN. It has a black surface. It may take it off in spots, but there will be places that we will not touch it at all.

Mr. McCLEARY. The depressions of the surface—

Mr. GWYNN. The unevenness of the surface.

Mr. McCLEARY. Then you say that you have to throw it out sometimes?

Mr. GWYNN. Yes, sir; as much as three-eighths of an inch. I have seen that done, and have done it myself.

Mr. McCLEARY. In rifling the guns, are the machines stopped at any time?

Mr. GWYNN. They certainly are. The machine is stopped at each end. When the rifling tool goes through the gun, it comes to a stop. It does not make much difference how long you keep it stopped when it stops. It must stop to reverse.

The CHAIRMAN (Mr. Gardner). I would like to see that inconsistency in the record. Mr. Johnston testified that their work had to be accurate within one-eighth of an inch, and then when later questioned said within an eighth of an inch of the specifications.

#### ARGUMENT OF MR. SAMUEL GOMPERS.

Mr. GOMPERS. Mr. Chairman and gentlemen, this is the third time that this bill has had the attention of the honorable members of the Committee on Labor of the House of Representatives. I shall not attempt to go into a very lengthy history of this bill, but it does seem to me that a statement as to its origin should be made for the benefit of all who may not know.

Since 1892 we have endeavored to secure some amendment to the existing law that would fully enforce not only the law but the spirit of the law, and this particularly, too, by reason of court decisions and opinions rendered by the Attorneys-General.

It was proposed as an amendment to the law of 1892, which was under consideration by the Committee on Labor of the House of Representatives in the Fifty-fourth Congress, and it dragged along until the closing days of that Congress, when that committee agreed to report the bill favorably; but during the course of an argument and hearing the Hon. John J. Gardner, now chairman of your committee, expressed an opinion that a bill providing for an eight-hour day upon Government work and work done for the Government by contract or subcontract could be framed upon different lines, which would be more effective, absolutely constitutional, and entirely practical.

We have no desire—we, the representatives of organized labor, have no desire—to take to ourselves a credit and an honor which is not due to us. The honor of framing the bill, and the thought underlying it, is that of the honorable chairman of the committee, Mr. Gardner.

The reasons Mr. Gardner gave appealed to our judgment, and our amendment to the eight-hour bill having died with the Fifty-fourth Congress, we were often after in consultation with Mr. Gardner, the result of which consultation was the draft of the bill introduced in the early days of the Fifty-fifth Congress, and upon which hearings were had before the Committee on Labor, when the opponents of the bill appeared there with their arguments, but failed to convince the members of the Committee on Labor that their contention was right.

The committee reported the bill favorably. It passed the House of Representatives by a practically unanimous vote. It was then taken over to the Senate and introduced

by the late Senator Kyle, who was chairman of the Committee on Education and Labor of the Senate. It was argued there both pro and con.

Suffice it to say that after the bill had been reported favorably by the committee it was, upon the motion of Senator Kyle, recommitted to the Senate Committee on Education and Labor, and after further hearings was reported out of the committee with a favorable recommendation by a majority, the minority of the committee making an unfavorable report, the minority report being signed by the introducer of the bill, the chairman of the committee, Senator Kyle, and Senator Caffery.

Every effort was made to procure its consideration by the Senate, but through the conditions there prevailing by reason of the war with Spain, which was then in anticipation and preparation, the bill was never voted upon directly. It came before the Senate by a vote, and then by another vote was laid aside by a motion to take up an appropriation bill. It failed of passage in the Fifty-fifth Congress.

In the Fifty-sixth Congress the bill was again introduced by Mr. Gardner in the House. The gentlemen who have appeared now for the past six or seven weeks in opposition to the passage of this bill appeared then. Several other witnesses, but particularly representing the companies that these gentlemen do, were placed upon the stand to show that the passage of the bill would be impractical, that its provisions were impossible and unfeasible of enforcement. The legal as well as the industrial representatives of these companies failed again, utterly, to convince the committee that they were right. The committee unanimously reported the bill favorably to the House, and I trust that the members of the committee who were not members of the committee at that time may have the opportunity and may take the time to read the report which the committee submitted to the House.

The House passed the bill again, with about 26 dissenting votes. Party lines were lost. It was passed practically by a unanimous vote, with but one single voice raised in half-hearted fashion against the passage of the bill.

It was then transferred to the Senate and hearings again had upon the bill. The bill was never reported to the Senate, and died in committee.

With the opening of the Fifty-seventh, the present, Congress, the bill was again introduced as No. 3076. I might say, gentlemen, that if this bill had ever come before the Senate of the United States upon its merits for a vote, there is not the slightest doubt in my mind—I have not the slightest hesitancy in believing—in fact I know—that it would have been enacted and been a law upon the statute books this day.

Our late lamented President McKinley, in his message three years ago, said, discussing the question of labor:

"The alien contract law is shown by experience to need some amendments. A measure providing better protection for seamen is proposed. A rightful application of the eight-hour law for the benefit of labor and the practice of arbitration are suggested for consideration, and I commend these subjects to the careful consideration of the Congress."

It was my good fortune to have had the opportunity to meet and converse with President McKinley, and I know what he had in mind when he made that recommendation. In the message of President Roosevelt to this Congress discussing the question of legislation he says:

"So far as practicable under the conditions of Government work provision should be made to render the enforcement of the eight-hour law easy and certain. In all industries carried on directly or indirectly for the United States Government women and children should be protected from excessive hours of labor, from night work, and from work under insanitary conditions. The Government should provide it its contracts that all work should be done under fair conditions; and in addition to setting a high standard should uphold it by proper enforcement, extending if necessary to the subcontractors. The Government should forbid all night work for women and children, as well as excessive overtime."

I have had the privilege and opportunity of discussing these questions of the eight-hour workday and the eight-hour law and the eight-hour bill with President Roosevelt, and I know that he is heartily in favor of the extension of the eight-hour law for Government work to the fullest possible extent.

One is scarcely capable of determining which one of these gentlemen who oppose the passage of the bill shall be mentioned, for they are exceedingly clever at shifting their position from time to time; but the chief merit in what they have generally claimed is that it has no foundation in fact. They have tried to make it appear, and their witnesses, too, have argued and asserted, that it was the result of overtime from which they have had the opportunity of graduating into higher positions in the mills and in public life. You will remember that at the close of the last hearing, when arrangements were about to be made for a hearing of the committee the following day, I stated then that it would be necessary for me to go to Bethlehem to deliver an address before the students and professors of Lehigh University. I had received an invitation months ago from the faculty and I accepted it.

I delivered the address there, was subjected to a fire of questions which I had invited, and I had received a letter a few days prior to my going there that made it necessary for me to undertake an investigation of my own. Let me call attention to what it is.

Much has been made of the fact, or the assumption or the assertion of what is supposed to be a fact, that Mr. Johnston, the superintendent of the Bethlehem Steel Works, gained his education from his "overtime" work, and that he had no other or exceptional opportunities or advantages other than those enjoyed by any other of the young men entering into the company's works. Now, my attention was first called to the untrustworthiness of that statement because of the publication in the newspapers of the incident to which Judge McCammon referred just before his leaving, and that was the colloquy between himself and me, in which he again tried to emphasize the fact, or the alleged fact, that Mr. Johnston had obtained a collegiate education by reason of his overtime work. I received a letter, dated March 7, from Philadelphia, which I shall read, with your permission, except that I want to modify one word, which I will show the chairman [exhibiting letter to the chairman].

The CHAIRMAN (to Mr. Gompers). Yes; that is all right.

Mr. GOMPERS (reading). This letter is as follows:

"PHILADELPHIA, PA., March 7, 1902.

"SAMUEL GOMPERS,

"President of American Federation of Labor.

"DEAR SIR: I have just read in this morning's paper of your appearance before the House Committee on Labor and your controversy with Judge McCammon. Judge McCammon is away off in his assertions in the case he presented as a criterion in his efforts to defeat the eight-hour law. He refers to the case of Mr. Johnston, of the Bethlehem Steel Works, as a case where a man rose from the ranks and gained a college education from the money he saved by working overtime. That statement is absolutely untrue, cut out of whole cloth. I know and have known Mr. Johnston since he was a little boy, so know whereof I speak. In the first place, Mr. Johnston's father was superintendent of a certain department in said works before it became the "steel" company, and his son had the advantages which such a position of the father gives, and he never got his college education (and I am very much in doubt if he ever got a college education) except perhaps in a special line, and if he did, that education was never paid for from the money he made by working overtime, Judge McCammon or anyone else to the contrary notwithstanding.

"You can make use of this in any way you see fit to advance the cause of labor.

"Faternally, yours,

"GIBSON WEBBER."

As I say, this letter rather aroused my curiosity, and, being at South Bethlehem, I made it my purpose to inquire, and I found while it was true that Mr. Johnston did enter the factory and the plant, yet a man by the name of Mr. John Frick was superintendent of the entire company; that Mr. Johnston, sr., was a particular favorite of his; that he had made him master mechanic of the entire plant, and that Mr. Johnston, jr., the present superintendent, went to Lehigh University and occasionally would enter into the factory and the plant, and that whenever he would have the opportunity of being in the plant it would be to observe rather than to work.

And so all the sentimentality that has been thrown around Mr. Johnston's statement that he had gained his brightness and all his intelligence and education the same as any other boy in that plant, without any other advantage, and that he had gained all his money through working "overtime" is absolutely without foundation.

I had not the time to inquire with regard to Mr. Dinkey, and shall therefore say nothing upon that score, but one of the gentlemen who prompted a question of Judge McCammon's last week, and who whispered it to the stenographer and then had it read by the stenographer to the committee, a Burgess of Bethlehem and one of the chief officers in the Bethlehem Steel Works, owes his promotion to that position since the marriage of the present superintendent, Mr. Johnston, jr., to the aunt of this Burgess—this engineer, so called, whose intelligence and fitness for his present high position were plainly manifested by the excellent, plain, and far-reaching question which he propounded to the witnesses upon the stand last week.

I have a letter here, the full purport of which I have not yet had an opportunity of examining into.

Mr. PAYSON. Is that a letter already in evidence, Mr. Gompers?

Mr. GOMPERS. No. I received it this morning, just a moment before coming to this committee room. This is as follows:

"HOMESTEAD, PA., March 17, 1902.

"President GOMPERS.

"DEAR SIR: Please find inclosed statement of Carnegie's own figures in regard to time of heats tapped in open-hearth departments, No. 2, being some of their oldest and

most dilapidated furnaces, and some being so bad I have seen them break out and lose half of heat, and yet you will see that heats are tapped in as short a time as five and six hours.

"Take notice to No. 9 furnace record on March 9, 10, 11, 12, 13, and 14. This is one of the old furnaces built new, and when it has taken longer it mostly occurs when the furnace is cooled for bricklayers to do some repair, such as arch and jams, or a patch in the roof; and yet you will take notice there is not one ten-hour heat tapped in this furnace, as Dinkey states to Congress—that heats can not be tapped under ten hours. You will please notice that to March 14 No. 9 furnace had four heats tapped which averaged over six hours.

"I hope this will be of some value to aid in passing the eight-hour law, as that is long enough for any man to work and contend with such heat as we have to.

"I remain an honest, old, experienced O. H. man."

Here is what appears to be a time schedule for the giving out of heats. Its heading is "Time of heats tapped in O. H. Dept. No. 2." On the back of this paper are printed the words, "The Carnegie Steel Company, Limited—Homestead Steel Works; 32-inch mill, rolling order."

Then as headings to the different ruled columns come the words "Order No." "No. pieces." "Size." "Weight." "Rolled—Date and number of pieces." "Remarks."

This table, together with a similar one also submitted, is as follows:

*Time of heats tapped in open-hearth department No. 2.*

	March 9.			March 10.			March 11.		
	<i>h. m.</i>	<i>h. m.</i>		<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>
No. 9.	6 40	7 0		8 5	6 50	6 50	9 0	7 10	6 35
No. 10.	12 30			10 0	10 45		10 35	11 55	
No. 11.	11 50			11 50	10 50		11 25		
No. 12.	11 0			10 40	10 0		11 25	10 20	
No. 13.	8 35	8 20		8 15	7 35		9 15	9 20	7 30
No. 14.	7 35	7 15		7 50	7 0	7 5	8 10	7 0	
No. 15.	8 0	5 35		7 5	7 45	6 25	6 30	6 20	6 15
No. 16.	7 45	8 20		8 10	9 0		9 20	9 0	7 55
No. 17.	7 10	6 30		6 0	6 40	7 0	8 10	7 5	
No. 18.	7 10	7 0		9 30	6 45	7 25	9 25	7 40	6 50
No. 19.	11 30			8 30	9 10	9 40	14 45		
No. 20.	9 5	8 25		7 45	9 0		8 30	8 0	7 45
No. 21.	9 25	7 25		8 5	8 50		9 20	7 40	7 25
No. 22.									
No. 23.	9 55			9 15	8 10	8 35	9 25	9 30	
No. 24.	10 10			7 15	8 20	8 30	8 50	10 0	
No. 1 turn.	8 h. 43 m.			8 h. 12 m.			8 h. 25 m.		
No. 2 turn.				8 h. 2 m.			9 h. 6 m.		

	March 12.			March 13.			March 14.		
	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>	<i>h. m.</i>
No. 9.	6 55	6 25	6 40	7 25	6 25	6 50	5 45 6 30	7 40	6 30
No. 10.	8 35	9 30		10 45	9 30	9 20	8 55	10 10	
No. 11.	15 45	8 45	10 0	8 15	8 50		9 15	10 55	
No. 12.	9 35	8 30	9 0	9 15	11 5		10 15	7 50	
No. 13.	16 0			9 0	9 0	6 30	8 30	7 45	7 40
No. 14.	7 55	7 10	6 15	7 50	7 25	6 20	6 0	7 30	6 15
No. 15.	6 45	7 50	6 15	6 20	6 40	6 5	8 15	6 0	6 15
No. 16.	8 45	8 20		8 20	8 20		7 0	8 30	8 10
No. 17.	8 25	7 50	6 25	6 10 6 30	6 40	5 45	6 10	6 10	6 20
No. 18.	7 5	7 35	7 35	9 20	6 15	6 10	6 50	6 35	6 25
No. 19.	8 30	8 30	8 55	9 25	9 15		8 50		
No. 20.	7 45	8 40	8 25	9 0	8 35		7 35	8 50	9 20
No. 21.	9 25	9 30		10 10	8 10	7 40	7 40	7 15	7 40
No. 22.							8 10	9 25	
No. 23.	9 50	9 30		10 30	7 55	8 50	8 40	9 55	
No. 24.	8 5	8 45	8 50	8 15	7 50	8 0	7 20	7 55	
No. 1 turn.	8 h. 5 m.			7 h. 38 m.			7 h. 39 m.		
No. 2 turn.	8 h. 14 m.			8 h. 33 m.			7 h. 39 m.		

*Average time of heats, open-hearth department No. 2—Continued.*

	March 16.				March 17.						March 18.					
	h.		m.		h.		m.		h.		m.		h.		m.	
No. 9.	7	40	7	0	7	25	6	25	7	30	7	35	7	0	8	0
No. 10.	10	10	9	35	9	35	9	45	8	40	9	30	8	0		
No. 11.	10	5	10	0	8	55	9	55	9	55	9	5	10	0	9	0
No. 12.	10	25	9	55	8	20	7	45	7	45	9	35	9	0		
No. 13.	9	25	8	25	7	10	7	35			9	0	8	5	7	25
No. 14.	8	0	7	20	7	5	7	20	7	10	7	50	6	30	7	30
No. 15.	7	5	7	10	6	55	6	15	6	35	8	10	6	25	6	5
No. 16.	8	40	9	25	8	10	7	40	7	55	7	55	8	45	8	10
No. 17.	7	15	8	10	8	15	7	15	6	25	7	40	6	15	6	25
No. 18.	6	40	7	5	6	30	7	25	6	35	6	25	6	20	6	55
No. 19.																
No. 20.	9	35			10	15	9	35	8	50	8	30	9	5		
No. 21.	8	10	7	45	8	15	7	20	7	35	8	20	8	10		
No. 22.	9	40	8	15	8	55	7	45			9	5	8	15	7	10
No. 23.	10	10			8	55	8	50			7	50	8	5		
No. 24.	7	50	8	35	8	30	7	50			8	0	7	45	8	5
Worton.	7 h. 35 m.				7 h. 53 m.						8 h. 5 m.					
Ferguson.	8 h. 48 m.				8 h. 5 m.						7 h. 42 m.					
Mullen.					8 h. 31 m.						7 h. 59 m.					
Fish.	8 h. 16 m.				7 h. 46 m.						7 h. 28 m.					

	March 19.				March 20.				March 21.							
	h.		m.		h.		m.		h.		m.		h.		m.	
No. 9.	7	25	8	20	8	5	8	30	7	10	7	45	6	40	6	30
No. 10.	7	55	7	50	8	15	12	15	8	15	8	55	8	35	8	15
No. 11.	8	35	9	25			10	30	7	40	8	20	11	5	10	30
No. 12.	8	10	9	10	10	5	11	0	9	20			9	20	8	10
No. 13.	7	55	7	50	9	10	7	5	7	55	8	5	7	40		
No. 14.	7	0	7	35	7	5	7	45	6	20	6	15	7	0	7	25
No. 15.	7	25	7	0	7	30	7	10	7	10	6	40	6	5	4	50
No. 16.	7	55	9	10			8	20	7	50	8	15	8	20	8	10
No. 17.	6	35	9	30			8	15	9	40	6	0	6	0	7	15
No. 18.	6	35	6	25	6	35	6	15	5	40	5	55	6	30	6	35
No. 19.							9	35			6	15	8	45	7	15
No. 20.	8	45	8	0	9	15	8	30	9	10	8	0	7	55	8	55
No. 21.	9	5	8	0	7	35	7	5	8	15	7	35	8	15	7	20
No. 22.	8	25	8	20	7	0	9	25	8	55	1	0	7	55	8	30
No. 23.	9	25	9	5			10	10	9	40	8	55	9	0	8	40
No. 24.	8	25	7	45	7	50	8	20	8	0			7	35	8	15
Worton.	7 h. 45 m.				7 h. 25 m.				7 h. 56 m.							
Ferguson.	7 h. 49 m.				7 h. 19 m.				7 h. 33 m.							
Mullen.	7 h. 57 m.				8 h. 13 m.				7 h. 57 m.							
Fish.	7 h. 56 m.				7 h. 50 m.				7 h. 24 m.							

Believing that the committee would be interested in the statements regarding the different industries and the hours of labor which obtain in many of them, I wrote several of the executive officers of the unions—of the national and international unions—identical letters asking them for their experience and knowledge upon this. Let me read a few of these letters.

Mr. McCLEARY. These are the answers which you received?

Mr. GOMPERS. Yes; these are the answers I received. The first is as follows:

"WASHINGTON, D. C., March 8, 1902.

"Mr. SAMUEL GOMPERS,

"President American Federation of Labor, Washington, D. C.

"DEAR SIR AND BROTHER: Some few days ago you wrote me regarding the statements made before the House Committee on Labor by the superintendent of the Homestead mills, Homestead, Pa., regarding the employment of machinists. Inclosed you will find a letter from our business agent at Pittsburg, which is self-explanatory as regards the situation at the Homestead mills.

"Owing to the fact that I will be absent from headquarters when the Labor Committee holds its next meeting, and believing that some data regarding the machinists' trade during the past year will be of service to you in connection with the statements you will make before the House committee, I desire to say that as the Homestead mill is located in the Pittsburg district, and that the machinists employed at the Homestead mills work ten hours per day, receiving for the same \$2.50 to \$3, and the Pittsburg district practically being a nine-hour district in the machinists' trade, a comparison would not be out of place.

"At the present time there are 100 firms in the Pittsburg district working nine hours, employing 3,500 machinists at an average rate of \$3 for nine hours. Therefore the machinists employed outside the Homestead mills are receiving more for nine hours than those employed at the Homestead mills receive for ten hours.

"The only concerns of any prominence in the Pittsburg district that are working their machinists ten hours are the concerns that are, to some extent, turning out manufactured products for the Government, namely, United States Steel Company, American Steel and Wire Company, and Crucible Steel Company. During the past year over 100,000 machinists have received an average increase of 25 cents per day in their wages, and very nearly the same number have received a reduction of one hour per day in their labor. It is also safe to say that in connection with the machinists' movement for the shorter workday nearly as many other metal-working tradesmen received an increase in wages and reduction in their hours of labor.

"The above gains on the part of the machinists, however, have not been received to any extent, or scarcely at all, from the concerns that are performing work on behalf of the Government, namely, shipyards, iron and steel mills, or ordnance-supply concerns.

"The principal cities in the United States where machinists received a reduction in hours and an increase in wages are as follows:"

And then follows a long list of cities which I shall not tire you by reading.

Mr. WARNOCK. About how many are there on that?

Mr. GOMPERS. The list contains the 40 largest cities in the United States, and the smallest number of men in any place is 100, and it runs up to 200, 1,000, 1,200. There are several at 2,500, one 3,500, and in Greater New York there are 200 firms employing 12,000 machinists.

The letter continues:

"There are over a hundred other cities where a smaller number of firms and lesser number of machinists have been affected.

"This information is furnished in order that you may show that firms not looked upon as performing work for the Government have reduced the hours of labor and increased the wages, while concerns that are, to a great extent, running their works on Government work have not reduced the hours of labor or increased wages.

"Trusting that this may be of some service to you, and expressing my regrets that I will be unable to be present at the next hearing held by the Committee on Labor, I am,

"Yours, fraternally,

JAS. O'CONNELL,

"International President."

Mr. PAYSON. Why has not this been put in before? I am not interested in these industries, but in behalf of Judge McCammon, who would be, we know, it seems to me that that, if it is to be regarded as evidence, should have been put in before the very concluding arguments in the case.

Mr. GOMPERS. I endeavored to introduce these letters at the last hearing of the committee, but the gentlemen opposing the bill objected to that, insisting upon having an opportunity on that day of dividing the time with us, notwithstanding that they had had five weeks of the committee's time in which to bring their witnesses here, and that for three weeks in succession the committee had met and they had failed to produce one witness. I would have gladly had these letters introduced at that time, and I do not think our friends who are opposing this bill should make any objection at this time to the reading of them.

Mr. PAYSON. I am not making any objection. I am simply asking why, when proof was being submitted, they were not put in.

Mr. GOMPERS. I am giving you the answer.

Mr. PAYSON. They were never submitted to me. I never knew a thing of them.

Mr. GOMPERS. I am not always present when the Judge is talking to opponents of the bill in the Congress of the United States; he does not invite me.

The letter to which Mr. O'Connell refers as being inclosed in his letter reads as follows:

INTERNATIONAL ASSOCIATION OF MACHINISTS,  
OFFICE OF THE BUSINESS AGENT,  
Pittsburg, March 6, 1902.

Mr. JAS. O'CONNELL.

Washington, D. C.

DEAR SIR AND BROTHER: In answer to yours of the 3d instant, beg to say that the machinists employed at the Homestead mills, Homestead, Pa., work ten hours per day, and the rate of pay is \$2.50 to \$3 per day. The conditions under which they work may be all right from the firm's point of view, but the fact remains that a man can't work there and belong to any union.

Some of the best machinists that have ever used a tool have worked there and have been discharged for no other reason than that they belonged to our association. But they don't tell them that; they say, "You are discharged for cause." We know of men that have worked for this firm for years, and were reckoned the best mechanics in the shop, who have been "fired" just as soon as the firm found out they belonged to the I. A. of M.; and if it is necessary, I can furnish you with names to prove what I say.

Yours, fraternally,

WM. A. SHAW, *Business Agent.*

I will read other letters:

UNITED BROTHERHOOD,  
CARPENTERS AND JOINERS OF AMERICA,  
Philadelphia, Pa., March 3, 1902.

SAMUEL GOMPERS, Esq.,

Washington, D. C.

DEAR SIR AND BROTHER: Replying to your favor of the 1st instant, in reference to the testimony of Mr. Dinkey, superintendent of the Homestead mills, as to the wages of carpenters, would state carpenters in Homestead and vicinity work only eight hours per day and receive \$2.

Yours,

FRANK DUFFY,  
*General Secretary-Treasurer.*

I wrote to Mr. A. M. Swartz, the business agent of the carpenters of Pittsburg, who writes under date of March 4, 1902. His letter is as follows:

PITTSBURG, PA., March 4, 1905.

SAMUEL GOMPERS,

*President American Federation of Labor,*  
Washington, D. C.

DEAR SIR AND BROTHER: Your letter of the 1st to hand. In reply to same, I desire to state that carpenters in the employ of the U. S. S. Co., at Homestead mills, do work ten hours per day, and while they are required to work longer they receive less pay or wages than those who work only eight hours per day on the outside of the mill. Our system for all building tradesmen is eight hours and our minimum wages for carpenters are 36½ cents per hour, but nearly all our members get from 37½ to 50 cents per hour, or from \$3 to \$4 per day of eight hours, while the carpenters at work in Homestead mills get only 25 to 27½ cents per hour, or about \$2.50 to \$2.75 for ten hours.

We have been unable so far to have them comply with our regulations or recognize our union, and it comes of poor grace, in my opinion, for any person to boast of compelling men to work longer and for less wages or pay than is generally paid by other employers of the same craft or kind of labor.

I have had a number of conversations with men who work in said mills, and if I am properly informed, what applies to the carpenters will also apply to the bricklayers and other building craftsmen at work in said mills.

Hoping these few lines of information may be satisfactory, I remain,

Yours, respectfully,

A. M. SWARTZ.

In a letter which I have received from Henry W. Sherman, general secretary of the International Brotherhood of Electrical Workers, under date of March 5, 1902, after referring to other matters, he says:

"In regard to the statement made by Mr. Dinkey that electrical workers work ten or twelve hours for the Homestead people, I could not say whether

this is true or not. It depends entirely on what he terms an electrical worker. There may be men running a dynamo who have a ten or twelve hour shift, but there are no wire men employed by that company working over eight hours a day that belong to our brotherhood."

In a letter from Mr. L. W. Tilden, secretary-treasurer of the United Association Journeymen Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States and Canada, he says:

CHICAGO, ILL., March 5, 1902.

Mr. SAMUEL GOMPERS,  
President American Federation of Labor,  
Washington, D. C.

DEAR SIR AND BROTHER: After receiving your letter of March 1, inquiring about plumbers and fitters who are employed at the Homestead mills, I immediately wired our Pittsburg business agent in order to receive the exact information desired, and beg to report now that he has informed me that the plumbers and fitters employed at the Homestead mills are all nonunion men without exception, and that they work about twelve hours a day for whatever the company chooses to pay them. They are not all first-class mechanics, as you can imagine. Some of them never worked any place except for the Homestead mills, and would not be capable of working alone if they were put to the test. Trusting this will prove satisfactory, and that it will be received in due time, I remain,

Fraternally, yours,

L. W. TILDEN,  
Secretary-Treasurer.

Now, Mr. Chairman and gentlemen, I have a letter, received by a gentleman who testified here at your last hearing, Mr. Joseph E. Ralph, which reads as follows:

JOLIET, ILL., March 10, 1902.

J. E. RALPH, Washington, D. C.

FRIEND JOE: Yours of 8th instant to hand. In reply will say that this plant has been working eight-hour turns (tonnage men only) for four years at the request of the men, and I believe that it has been a benefit to the plant, as the men work more regular and do not object to being pushed, besides I believe it has a tendency to make them more manly men in every respect, which I did not believe before we tried it. With best regards I remain,

Yours, truly,

I. COOK NORTON,  
General Superintendent of the Joliet Steel Works.

Mr. CALDWELL. Do you know how many men that company employs?

Mr. GOMPERS. I do not, sir; but that it is a large plant; that I do know.

Mr. PAYSON. There is a statement in a letter in the record that that plant belongs to the Illinois Steel Company, and while in its blast-furnace work they work eight-hour shifts, the president of the Illinois Steel Company says that not 10 per cent of the men employed by the Illinois Steel Company are on the eight-hour basis. The eight-hour work is confined to the men in the blast furnaces.

Mr. GOMPERS. The eight-hour day is applied as I have read it here.

Mr. PAYSON. The works at Joliet: we, all of us, know it.

Mr. GOMPERS. The tonnage men; the letter speaks for itself.

Mr. PAYSON. Yes, sir.

Mr. TRACY. The tonnage men are not in the blast furnaces, either. They are in the open-hearth furnaces, a different work entirely.

Mr. GOMPERS. I may perhaps quote a statement made by Mr. Cramp in his testimony before the Senate Committee on Education and Labor when the same bill was under consideration. This was quoted and was again printed in the hearings before this committee, and is on page 406 of the hearings of 1900. The following colloquy occurred:

"Mr. GEAR. You have recently done some work in Russia?

"Mr. CRAMP. Yes. In this Russian business we had to compete with Germany and France and, to some extent, with England.

"Mr. GEAR. Would the passage of this law interfere with the construction of those ships?



"Mr. CRAMP. Yes, sir; we could not have one set of men working ten hours a day and another set of men working eight hours a day for the same pay.

"Mr. GEAR. You would have to apply the same rule of labor to all of them?

"Mr. CRAMP. Yes, sir; we competed with Germany and France. The minister of finance in Russia desired that France should build these ships that we are going to take. He said France was a great holder of the Russian loan. His argument was an exceedingly good one. The French bankers came there, and the shipbuilders themselves came. They wanted a share of the Russian work, and so the minister of marines of Russia invited the friends of these bankers to send in proposals. The French wanted six months to prepare the drawings, to give the price for the ships we are going to undertake to deliver in thirty months. We gave the price without a drawing, simply having a letter covering the general specifications, and we are going on with the work and with the drawings at the same time.

"As we have our own way in the work, and no retarding inspection methods, we expect to deliver the ship in thirty months. The French wanted five years, and the Germans and Russians wanted more money and longer time."

On page 407 of the same report there is a quotation from a question and answer in the Senate Committee on Education and Labor upon this same subject, when Senator Perkins, of California, asked this question:

"Mr. PERKINS. You have also built ships for the Japanese Government, have you not?

"Mr. CRAMP. Yes. That was lower by 20 per cent than Armstrong and the Germans were bidding also."

We thus demonstrated out of the mouths of our opponents that with American workmen they are building battle ships and other craft in one-half the time that they can be built in France or Germany, or in any other country, and at a cost lower by 20 per cent than the largest shipbuilders in Great Britain can build them for.

My friend, Judge Payson, who appears in opposition to this bill, stigmatizes these statements as platitudes. We will see what others have said upon this question of a reduction of the hours of labor—not the labor agitators, not the political labor agitators, if you please, but the men whose business in life has been to investigate, to find out, and to give to the world the result of their investigations.

For instance, Mr. Brassey, a man who had a world-wide experience in railroad building, said that "if the superior quality of the workmen does not fully make up in product the difference of wages, this high price of labor stimulates invention of labor-saving machinery."

Ira Steward says:

"Machinery is discharging laborers faster than new employments are provided. Machinery must not be stopped and tramps must not be increased," and he held that the only remedy for these evils is "a reduction of the hours of labor."

Mr. John Hall says:

"Inferior habits of living are as much a cause as they are the result of low wages."

John Stuart Mills says:

"No remedies for lower wages have the smallest chance of being efficacious which do not operate on and through the minds and habits of the people."

And I ask how is it possible for the habits and minds of the people to change—to improve—without leisure and opportunity?

McCulloch, in his political economy, says:

"That the lowering of the opinions of the laboring class with respect to the mode in which they should live is perhaps the most serious of evils than can befall them. Let them once become contented with a lower species of food, and an inferior standard of comfort, and they may bid a long adieu to anything better."

Amasa Walker, in his Science of Wealth, says:

"That the standard of wages varies according to the expenses of subsistence in different countries and the condition in which the laboring classes are willing to live.

"Social degradation and democracy are incompatible. Either the social character of the masses must be elevated to the level of that of the political institutions under which we live or no power on earth can prevent the character of the latter from falling to that of the former. This is a verdict of universal social law from which there is no appeal."

A gentleman often quoted by our friends, Prof. George Gunton, says in his *Economic and Social Importance of the Eight-Hour Movement*:

"It is a flippant libel on the laboring classes which for more than half a century has been constantly repeated, but never sustained, viz, that the reduction of the hours of labor tend to lower wages, raise prices, increase idleness, dissipation, and drunkenness. The elimination of poverty, ignorance, pauperism, intemperance, crime, and their accompanying evils, move parallel with and proportionate to the increase of the social opportunities of the laboring class."

Another representative, Adolph Strasser, says:

"One great advantage of the eight-hour system is that it increases the earning capacity of the workers. They have fewer hours in the dusty atmosphere of the shop and more time for healthful recreations. They go to their work with a vim and energy, become more expert, and can do more and better work in eight hours than they formerly did in ten."

I have had the honor of saying in *The Eight-Hour Workday*:

"Compare any two or more countries on the face of the globe; compare any two States in the United States; compare any two industries in any one city; yes, compare any two establishments of a similar industry in any one city, and there is no departure from this rule, that the longer the hours of daily labor the lower the wages, and vice versa."

There is absolutely no deviation from that rule. It is an economic law, from which there is absolutely not a single exception, that the long hours of labor of the workers imply and involve a lower wage.

The CHAIRMAN. Will you have time to tell us why you think that is so; that is, how you account for the fact?

Mr. GOMPERS. Yes, sir; I shall take pleasure in so doing.

For convenience I need refer, then, only to some of the extracts which I have read regarding the important fact that to improve the condition of the people it is necessary to improve their habits and their customs; that there is absolutely no opportunity for an improved change in the habits and customs and the minds of the workers, without leisure, can not be successfully disputed by anyone. The working people receive in return for their labor a wage that will purchase for them the things which they require or regard as their necessities of life, and, in some instances, just a little above; but the average, that is, about enough to enable them to purchase those things that constitute their necessities of life.

What was a luxury ten years ago is a necessary of life to-day; but the necessities of life constitute the purchasing power of the wage which the workers receive in return for labor they perform. The man who works occasionally a day or two days or ten days for many hours each day and then has opportunities for relaxation and leisure and vacation is not in question, but the man who works six days in the week twelve hours each day has no opportunity for either his mental or physical improvement; no opportunity for the improvement of his habits, of his customs, or his surroundings. The man who works long hours of labor has no increased demand upon society; he has no wants other than to keep his body and soul together, and to keep himself in as strong a physical condition as he can, such as will enable him to do the best possible day's work that he can.

That man who works long hours each day leaves his home early in the morning and returns from his work late at night. He has no necessity for a comfortable home, as we understand it, with carpets upon the floor, with pictures upon the wall, with a musical instrument to entertain him. He has no use for newspapers, or magazines, or other periodicals; he has no use for books; he has no use for a change of linen in the evening. He has no want—he has no necessity and hence no want—for another suit of clothes; he has no want for another hat; he has no want for another pair of shoes.

When he goes to work in the morning and leaves it at night, those whom he meets are in about the same comparative position that he is, and there is no loss of dignity nor feeling of chagrin; no feeling that he might be dressed in a manner inferior to those whom he may meet going to or coming from work. And in the evening there is no necessity for change, there is no desire for change; he has had all the spirit crushed out of him by his day's work. And if, perchance, he has enough strength left to go anywhere, it will be to the place where some artificial spirits can be imbibed to take the place of the natural spirit which has been crushed out of him by his day's work.

But if he does not do that, limp and tired, he throws himself upon his bed, to seek the necessary rest to prepare for the following day's long hours of work.

And if there be anyone who doubts my assertion, who is sufficiently interested, let him go to the industrial centers, to the centers in which are located the businesses which these gentlemen represent who have appeared here in opposition to our bill, and you will find men who go to their work in the morning begrimed and besmudged, who have not had sufficient rest; begrimed and besmudged from their previous day's work, for they have not had sufficient rest and time so that they could perform even the commonest of ablutions.

Follow them to their homes and see that they may perhaps go home and partake of some food that is prepared for them and immediately afterwards, perhaps, fall asleep on their arms, or throwing themselves with their smutty clothes on their beds. Men who permit such conditions to obtain for themselves have little or no interest in their children or their homes. They have not the opportunity to inquire into and to guard against those things which befall the children of the poor. They can not give them the attention that their mental and physical conditions may be improved. The wives of the long-hour workers are poorly dressed; the children of the long-hour workers are those who are forced into the factories and workshops and mills and mines before the ages of the children of the men who work eight hours a day.

You will find that men who work eight hours a day themselves have so high a conception of what opportunity and leisure implies that they will not permit their children of tender ages to be dragged into the factories and stores and workshops until they have at least had the opportunity of a common-school education and perhaps a little better. All these things tend, Mr. Chairman—all these things not only tend to but compel the worker to insist upon higher wages as the result of his labor, because he can not afford to work for the low wage that the long-hour workmen can afford to work for and receive.

Mr. McCLEARY. That is a very philosophic statement, and very well stated, and I want to congratulate you upon it. Let me ask you another question. Is there a logical limit to the truth of that philosophy; that is, if it be true that it is better to work nine hours a day than ten hours, and better still to work eight hours than nine hours, how far does the truth reach; that is, is there a logical limit to it?

Mr. GOMPERS. That is impossible for me to say at this time. There was a legend in the years gone by that the day should be divided upon scientific as well as upon moral grounds—eight hours for work, eight hours for rest, and eight hours for physical and mental and moral recreation and improvement.

The CHAIRMAN. Then you think that eight hours is about the ideal time?

Mr. GOMPERS. About the ideal time. No one can say what will come in ten or twenty years—what the demand will be, what the necessity will be. In primitive life the hours of labor used to be regarded to commence with sunrise and to end with sundown, but with the discovery of steam and its appliance to machinery, and then the discovery of artificial light of sufficient illuminating power to permit the operation of machines when the sun went down—these two were necessary to each other in order to operate the machines successfully, otherwise you could not operate great machines with a candlelight or lamp-light. When gas was invented and applied, then machinery took on a new impetus, because then machinery could be operated uninterruptedly, practically for twenty-four hours a day, and still better illuminating power and less heat came with the electric light.

But the first effort to limit the hours of labor, in any way that can be seriously regarded, since the beginning of our modern industrial era, say since about sixty or seventy years ago, was the limitation to twelve hours. That was the first preliminary enactment, and was the first enactment of any legislation in our country. Then the demand came for the eleven-hour day, and it did not stop there very long, for it soon passed over to the ten-hour limit. From that to the nine-hour and then to the eight-hour. I have not any doubt in my mind, Mr. Chairman, that the eight-hour day will become general in the United States within a very few years.

I want to say in connection with that matter that I am in hopes that we shall largely contribute toward that by private agreement with our employers; but wherever that can not be done, that is the point which we are trying to attain with this bill; wherever it can not be done, and for work done by the Government or work done for the Government, the eight-hour law that now exists shall be extended so that it may apply.

Judge Payson did me the honor and did our movement the honor to state candidly our position, so far as this bill is concerned. That is what we hope to accomplish. We believe exactly what some of the employers who have appeared before this committee and other committees upon the subject say. We believe it will not be long when the eight-hour law shall pass, and I trust it may pass. If this bill shall become a law it will not long be possible to operate one branch of a plant on the eight-hour basis and another upon the ten-hour basis. No; we know what the effect of it will be, and it is because they, too, know the effect of what that law would be that they oppose it. But we say that they are standing in their own light in opposing it, and that they are doing themselves a wrong and that they are belittling their own intelligence and foresight in so doing.

We want this eight-hour law because we realize the conditions which are confronting the American working people. I reverence the institutions under which we live, Mr. Chairman. I take second place to no man in the country in my devotion to the principles upon which it is founded, and my earnest purpose is to try, as near as we possibly can, to adhere to the principles laid down by the founders of our Government. But these men seem to me to be coming here with very poor grace who are knocking at the doors of the Government of the United States, and regardless of constitutions, or legends, or traditions, are asking for favors, class favors, favors of every kind and description. But when it comes to the question of asking some relief to protect the working people of our country against the modern Juggernaut of capital in its grinding process on the working people, and particularly against such companies as these gentlemen represent, then we hear the protests go forth. "The Constitution of the United States is a bar against this proposition." They urge, "The freedom of contract is involved." The freedom of contract involved!

What opportunity has a workman who comes to the entrance of the employer's factory and sees the foreman and superintendent of one of these companies and who wants a job, who must have a job, what opportunity for the freedom of contract has he against the man who owns and controls and represents hundreds of millions of dollars, and who says, "You must take this work at my terms or go without it," or if he does not say so he implies it by his manner, position, and power? What opportunity for freedom of contract has he?

But we do not find any expression of disgust or contempt nor any protest entered against that. One may say, "Well he has the liberty to go elsewhere." But in our present-day system of concentrated industry he finds about equal or like conditions wherever he may go. What does freedom mean? What does liberty mean? The liberty to work. The liberty to work? Work, noble, essential, right for man to do, yet in its essence work was the thing which the slave was required to do, and it was the very converse, the very opposite of this thought for which the fight for human freedom was instituted, the right to give the workers the opportunity of relinquishing some of the work which the masters compelled them otherwise to perform.

No sane man, no reasonable man, will advocate the shirking of work or the shirking of duty. I believe that it is a fact that the men represented, for instance, by this committee, the men representing the opposition to this bill, the men who are advocating its passage, are active spirits and active workers in their respective vocations, callings, and professions. Otherwise, in all likelihood, they would not be here.

As organized workers, we believe it to be the duty of men to work. We encourage men to work; we urge them to do their full duty by their employers, and to do a fair, honest day's work; but we insist that it is not liberty to have conditions obtain as they do now obtain and to require men to work more than eight hours in any one day.

Our opponents say, "But you have another provision in the bill which does not only prohibit that an employer shall require his employee to work more than eight hours but that he shall not permit them to work more than eight hours." Well, if the words "or permit" were omitted from the bill it would simply kill the very essence of the bill, for this reason, that the gentlemen in control and management of these companies know very well how to compel their employees to ask for permission to work overtime, and their failure to work overtime whenever the companies require usually results in their being placed outside of the breastworks of the company's employment.

I said a moment ago, Mr. Chairman and gentlemen, that when these gentlemen come here to oppose this bill, the inauguration of the eight-hour rule and

law, they are standing in their own light, and that they are not doing their own intelligence honor. And I want to add this to that remark: No man in our time who gives our economic conditions, our industrial development, our concentration of wealth, any consideration believes that we have reached the acme, the finality, in the advancement of human affairs. No man is satisfied with present-day conditions. Some may say, "Well, the change may come in a thousand years;" another may say, "The change will come in a hundred years;" still others may claim that the change will come in ten years, but almost all of them act as though they were agreed upon one proposition, "After them, the flood."

Men in our time who appreciate the great questions that arise in human life, human activity, human industry, the relation of man to man, and the duty of man to man, will say, "Well, not only for myself to-day, but I have children, and they are likely to have children; I am interested in my fellow-men of to-day; I am interested in the men and women and children who may follow me, and in my fellow-citizens of to-day, and I wish not only to manifest my fealty and my loyalty and love to the establishments of the Republic of America, but I do not wish them to be forgotten in the wild, mad rush for the dollar of to-day, and I am going to do my level best as a man and a citizen to make this Republic of ours perpetual, and improve it in every way that I can." That is the duty of the American citizen who loves his country, not to simply be in that great mad rush for the dollar and not caring whether the Republic goes into a battle or ends in a cataclysm.

We are men who are earnest lovers of our fellows and of our country and its institutions, and we look forward to some improvement in the present, that we may be enabled to continue on and on in the joint struggles for the whole country's improvement and success. If we agree, and I think there is no disagreement upon this point, that this is not a finality; that the conditions under which we live are not the end; then, if that be agreed, there is a further agreement that there will be a change, somehow, sometime. Now, if that be agreed, if the relations between man and man and the conditions between man and man are not what they ought to be, then it is our further duty to try and find out where we shall apply ourselves and to what we shall apply ourselves in order to bring about the best possible results with the least possible injury. And I ask the opponents, and I will yield to them part of my time so that they may answer the question that I propound, if they can suggest any one thing that will be so far-reaching in its beneficent effects, with so little injury to any of the people of our country, as the movement to reduce the hours of the working people in the United States.

I paused for an answer in vain, Mr. Chairman, conscious that neither of the opponents who are present would or could take advantage of it; confident that they can not answer it, because there is not a proposition that has ever been produced in the Congress of the United States, there has never been a proposition under consideration by any of the peoples in the history of the whole world, that is so far-reaching in its excellent effects upon the whole human family, and which does so little injury and is so devoid of violence as is the movement to reduce the hours of labor of the working people.

Mr. Chairman and gentlemen, the hour of labor taken from the workers a day, who toil more than eight hours, means many millions of hours each day taken from the burden of toil. It means not millions of hours of idleness; it means millions of hours of golden opportunities; opportunities for mental as well as physical culture and development. Take an hour off the shoulders of the wage-earners of America, of those who work more than eight hours a day, and you will have put a million hours of men's brains to work looking further and more deeply into these problems of mechanism and problems of industry and its products and production and distribution.

You will find, Mr. Chairman and gentlemen, that in every country where the hours of labor of the working people are least, that there the greatest inventions in machinery have been made. Look to any country that you please, or any State in our Union, if you please, and you will find that where the hours of labor are shortest, there the greatest percentage of inventions in machinery and science have been made.

Men who work too long hours can not give thought, expert thought, to new machines and to inventions. Every time that the hours of labor have been reduced it has resulted in new machines and improved machines, with the division and further subdivision of labor, and the application of steam and electricity more generally in the propelling power.

Mr. McCLEARY. Do you think that is the cause or consequence, or both?

Mr. GOMPERS. Both. It is very much like that question as to which had its existence in this world first, the egg or the chicken.

Mr. McCLEARY. You are stating it as wholly one-sided, and I want your judgment.

Mr. GOMPERS. It is cause and it is effect, both. They are so intimately related to each other that one can not tell which takes precedence. We know that every movement to reduce the hours of labor has been followed by a very marked introduction of new and improved machinery.

Mr. McCLEARY. That is if the movement was successful?

Mr. GOMPERS. Yes, sir; particularly—

Mr. McCLEARY. Could the movement be successful without the conditions of success?

Mr. GOMPERS. Sometimes. Well, I do not know that I quite catch the question. I shall be pleased to answer it.

Mr. McCLEARY. Might this not be possible, that the men who invented the machines made it possible to have the shorter hours and to do the work, and therefore there was a thing to be divided, wages and earning power?

This is the thought—I am afraid that I may misunderstand you—the logic would be that if you did not have to work at all a man would be extremely well off and everything would be prosperous; of course that would be the ultimate conclusion of it. There must be work, and that work must be in order that there may be something to divide in wages. That is the reason that I asked you a little while ago the limit of your logic, and I was just wondering whether you meant us to understand—I did not believe you did, because you are too thoughtful a man—that the reduction of hours was necessarily the cause of the improvement.

Mr. GOMPERS. It might in some instances have been a consequence, but its general introduction has usually followed the movement to reduce the hours of labor. It may have been thought out, it may have been partially introduced, but seldom generally introduced until after the introduction of a reduction in the hours of labor; as to the limit, no one can tell where it will logically end.

Mr. McCLEARY. You do not wish, then, to be understood as holding that the limit is the limit that I suggested, or where there is no limit?

Mr. GOMPERS. No, sir.

Mr. McCLEARY. There must be a limit somewhere?

Mr. GOMPERS. I think I can reply to that by saying that all work is right and natural and necessary—

Mr. McCLEARY. I think, Mr. Gompers, there is a great deal in what you said so admirably a while ago, that with opportunity, with ambition, with the seeing of somebody else doing something that you would like to do and have your children do, all those things do give to man an inspiration to accomplish those or similar things themselves. I am a little inclined to think, however, that such is formed in the endeavor to do so much more in the hour; but that is not at all out of harmony with what you said.

Mr. GOMPERS. I am fully persuaded that the productive capacity of the worker, together with the improved machinery and a shorter workday, will be much greater than under a long-hour system. The production of an industry, the production of a country, has invariably increased with the reduction in the hours of labor. You can compare the productive capacity of the United States, Great Britain, and Germany, and France, and Russia, and India, and Italy, and Spain, and China, and you will find that where the hours of labor of the workers are lowest, there the productivity in the industry is greatest.

Mr. McCLEARY. Let me see if I understand you. I heard Frederick Douglass deliver an address once, only one sentence of which I remember.

The point that he worked out was that the son of Africa could sit under the banana tree and need not work at all, but he said, "My brethren, remember that Africa is noted for her trees and not for men."

Now, is Africa an exception to your generalization that shorter hours—

Mr. GOMPERS. It is not that kind of work. That is not work as we understand it in modern industry—they do not work for others. Living in a tropical climate, where the food drops down at one's feet, and it is scarcely—

Mr. McCLEARY. I did not want to interrupt your thought, but my two good friends over there and I had a long conference over this one evening in my committee room, and I have thought that you may perhaps make the mistake of looking too much upon the one side of the question. I may be mistaken, but I am rather inclined to think that you emphasize too much that part.

Mr. GOMPERS. Because our opponents emphasize too much the other.

Mr. MCCLEARY. Pardon me, if I ask one more question. If it will cause you to digress from your line, however, do not answer it now, but later.

One of the points is, Is it practicable to have an absolutely fixed number of hours, whether eight or ten, beyond which you shall not go?

Mr. GOMPERS. A maximum number of hours?

Mr. MCCLEARY. Yes; is that practicable?

Mr. GOMPERS. Yes. In the first place I ought to apply myself to some of the remarks made by my friend, Judge Payson, in his address to the committee this morning.

Mr. MCCLEARY. Very well.

Mr. GOMPERS. He saw fit to characterize a statement which he imagined I made as untrue, and he said only because he desired to express himself as saying something that was stronger, and for the reason that it might involve questions of "Senatorial courtesy" he did not feel strong enough to say it.

Mr. PAYSON. You are entirely mistaken.

Mr. GOMPERS. That is my misfortune. I am always misunderstanding these gentlemen who make statements for which they will not stand an hour afterwards.

Mr. PAYSON. You misrepresent me now.

Mr. GOMPERS. He said substantially that I complained—and tragically, too—

Mr. PAYSON. Somewhat tragically, too.

Mr. GOMPERS. You see the modification, and you know in how far I have misrepresented.

Semitragically—perhaps seriocomically, as we saw the exhibition of this gentleman this morning. Substantially, he says that I have been attempting to portray a condition of misery and poverty and degradation and lack of employment among the people of our country, and it is substantially for that reason that I ask for the passage of this bill.

The fact of the matter is, that I have never made any such statement. Beyond question, there have been better industrial conditions, or rather there has been a revival of the industries of the country within these past few years. No one more gladly attests to that fact than I do. I grant you that better conditions obtain in the United States to-day than ever before; but, by the God, it is not good enough for us, and we are going to do all we possibly can to try and be the constant and larger sharers of the great progress in industry in which we are so intimate and important a part.

You need not take umbrage to your souls that we do not see the improvement that is going on, or that we deny that there has been improvement in our condition. It is carrying out the very philosophy of our reasoning. You work men twelve hours, and overtime, and you blunt their sensibilities, and you get all the results of their labor, minus just about enough for them to get along with, while we insist that they shall have a reduction in the hours of labor and be greater participants in the industrial development and progress, and then they will share with us, and appreciate with us, the improvement, not simply by reflection, not alone by seeing the improvement in the condition of their employers.

Mr. PAYSON. Would it interrupt you to ask a question there?

Mr. GOMPERS. I think that I shall not object now.

Mr. PAYSON. Why do you use twelve hours as a unit for a day's labor in the statement that you have just made, referring to the industries in this bill, when outside of, perhaps, the blast furnaces, the large iron industries, there is not an industry named in this bill that for seventeen years has worked more than ten hours a day? I know that it is so as to the Newport News Shipbuilding Company. There has never been a time since the first pile was driven there that its men have worked more than ten hours except when they were paid for overtime.

Mr. GOMPERS. Except overtime.

Mr. PAYSON. That has never been exacted. It has always been voluntary, and that may be proved by a thousand witnesses.

Mr. GOMPERS. Of course.

Mr. PAYSON. Assuming that to be true, why do you use twelve hours as a unit in your illustration, and then talk about this long twelve-hour day, when the ten-hour day has obtained, as a rule, for seventeen years?

Mr. GOMPERS. It is a remarkable faculty that my exuberant and cyclonic friend, Mr. Payson, has of saying about a thousand words in two minutes, and

without conceding me an opportunity to answer his question, he usually indulges in one of those arguments that take up half a dozen folios.

The judge asks me to assume to be a fact what I know to the contrary.

Mr. PAYSON. When was there ever a time at Newport News that more than ten hours was a day's labor; when?

Mr. GOMPERS. I say that the overtime there has become so general that the hours of labor have become longer; that is the thing. Under the pretense that the ten-hour day is the unit they have made overtime such a general thing that twelve hours is more the unit of labor of the day than ten hours.

Mr. PAYSON. You are utterly mistaken about that.

Mr. GOMPERS. I decline to be further interrupted by the gentleman.

Mr. BARTHOLDT. I believe, if you will permit me, that you were arguing the question as to whether the general improvement that now obtains is not directly or indirectly a result of the gradual shortening of the labor day; is not that it?

Mr. GOMPERS. Yes, sir. I want to say that there is no doubt that we have had a revival in industry in the past few years, but you will remember, too, that for the first year of that revived era of industry, the only thing that came as an advantage, if that could be called an advantage—our friends opposed to the bill regard it so—is that the laborers have to work longer hours per day, and the fact of the matter is that even up to this day, since the era of industrial activity has been again upon us for about three years or three years and one-half, in the establishments which these gentlemen, the opponents of the bill, represent, the hours of labor are longer to-day, generally, than they were during the years of industrial stagnation, from 1893 to 1897.

That is the idea of industrial prosperity entertained by the managers of these corporations. And instead of a shorter day and higher wages, with the improvements that these bring in the homes and surroundings and comforts of the people, the men have had to work longer hours. That has been their share of the advantage. What we want for them is that they may have an opportunity to participate a little more generally in the benefits of this revival of industry.

Now, a gentleman has said—I think it was Judge McCammon—that there was not anyone authorized to speak in the names of employees of the companies of any of the industries which this bill would affect, in favor of this bill; that there were none who were in the industries; that they were not represented here by anyone who advocated the passage of the bill. Let me say this, that that is a misconception. The employees, so far as the directories of the company could influence them, have been kept under, and wherever any spirit or desire for organization has manifested itself they have had it crushed out of them as soon as it was known—as soon as the opportunity was afforded.

For instance, while at South Bethlehem, leaving there Saturday morning, I met on the train an iron-molder who had been discharged by the Bethlehem Steel Works. He had worked there six weeks. It became known that he was a union molder, and he and two others were dismissed because of that fact and the fact that they had had a meeting two nights before of seven or eight molders and organized a union.

What do we find? Whom do these men represent? What industry? They say they represent the shipping industry and the steel companies and a few others. Now, let us see what we represent. I have a list here to which Judge Payson has deigned to give his honored attention. This is a revised list of the American labor organizations, printed and issued by the American Federation of Labor on March 7, 1902.

I find on this list the Allied Metal Mechanics' International Association, the International Brotherhood of Blacksmiths, the National Association of Blast Furnace Workers and Smelters of America, the Brotherhood of Boiler Makers and Iron Ship Builders, the Brotherhood of Carpenters and Joiners of America, the Coremakers' International Union, the Electrical Workers' Union of America, the International Union of Steam Engineers, the International Brotherhood of Firemen, the International Association of Steam and Hot Water Fitters and Helpers, the United Garment Workers, the Amalgamated Association of Iron, Steel, and Tin Workers, the Leather Workers' Union of North America, the International Association of Machinists, the Metal Polishers, Buffers, Platers, and Brass Workers' Union of North America, the Iron Molders' Union of North America, the Pattern Makers' League of North America, the United Association of Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers, the United Powder and High Explosive Workers of America, the Textile Workers of America.



I wonder whether the trades, 25 of which I have called off, are not interested in the industries which these gentlemen represent. Of course Judge Payson referred to the Barbers' Union, with their secretary at Cleveland, and to the Bicycle Workers' Union, with a secretary at Dayton, and to the Milk Peddlers' Union, with a secretary somewhere else, and he tried to leave the committee under the impression that these were the organizations which were in interest, that these were the organizations which were appearing and asking the committee to pass this bill. But he carefully omitted the names of the 25 national and international unions of the trades of North America in which from 60 to 80 per cent of the men engaged in the crafts primarily in interest are organized throughout the country. He tried to convey to you that these unions which he called off were local unions, local unions of a few men in Cleveland and a few other places, when, as a matter of fact, upon the list of names of these national and international unions, the name and addresses given for each one are simply those of the general secretary, the executive officer of the national or international union having from 100 to nearly 1,000 local unions throughout the United States of America. Why, the Judge might as well have referred to the President of the United States as the president of the District of Columbia.

Now, I may ask the privilege, if the committee desires, I would be glad, to furnish them our revised list. This is merely a proof.

Now, I want to say a word in regard to the Newport News Shipping Company, because Judge Payson referred to it in very eloquent terms as having had no trouble of any kind there; saying that the men there are satisfied; that they want the ten-hour day at least, and they want overtime—they want the privilege of that, too; that the trouble which they had last year was—what was that? It was just a little strike. Is it not a fact that practically the shipyard was closed down for two months by reason of that strike for a nine-hour day? Just imagine one of those little insignificant affairs where the men demand a reduction in the hours of labor and by which the plant was closed for two months.

But just like the others, the Judge has still persisted that the men want the longer and not the shorter workday. The men who now try to organize into a union in order to secure a shorter workday at the Newport News Company are victimized and thrown upon the streets. No wonder that these men have not the opportunity of expressing their wish, when an expression of their opinion implies and involves their discharge.

Mr. PAYSON. You make that as a statement to this committee. I will be obliged if you will give me the names and particulars, and I will disprove it. The reason I make that statement is that while I do not speak of my own personal knowledge, the superintendent of the works has told me on more occasions than one that nothing of the kind occurred; that the strike involved only a number of about 800 machinists, and that only a portion of them struck, and because it was not possible to carry on the work of the entire yard with that portion of it crippled they shut down; and if you are going to give particulars you should give them right. It only involved a period of two weeks, instead of its being something over two months. It was a little over two weeks that the report was out that the yards perhaps would close, and every man voluntarily came back and sought employment.

Mr. GOMPERS. We will concede for the sake of the argument that the Judge is right and that the shops were closed down only four weeks.

Mr. PAYSON. The yard was not closed down for four weeks. The yard was not closed down for a day. If you want to be accurate—

Mr. GOMPERS. I would not even allow the Judge to provoke me to talk when he had the floor.

Mr. PAYSON. I beg your pardon—you say I interrupt you. You concede that it was only four weeks, though?

Mr. GOMPERS. Concede that the yard was closed four weeks only, but it was to enforce a shorter workday, and I insist that if the men had an opportunity they would have enforced the eight-hour workday.

The Judge challenges anyone to prove that these men in the industries involved have asked for an eight-hour day—have asked for this bill. Well, let me answer that by saying that I am surprised that the Judge can not discern between men going on a strike to demand an eight-hour workday and asking Congress to pass a law for an eight-hour day. The organizations which are enumerated in this list, and numbering 86 national and international unions, 22 State branches, 363 city central bodies, and 1,242 local trade and Federal labor unions, representing more than a million and a quarter of workmen, have met in council, where the wishes of the men involved in the industries have been

expressed; and the unions to which the Judge so contemptuously referred were those of the men who try and are willing to give their assistance, in order that the men in the industries may be able to secure a shorter workday, in spite of the antagonism of the companies. It does seem to come with bad grace—this fling at these men who have organized for their better protection.

Judge Payson exhibited his information regarding the labor organizations and the labor movement very conspicuously this morning when he referred to the green glass bottle gatherers as those who walked through the streets and looked for the green glass bottle in the ash barrels, when, as a matter of fact, these men are a part of the team of men who make the glass, who blow the bottle, who snap the bottle from the tube on which it is blown and the others who gather it.

But, without any reflection upon any attorney, it always occurs when a man whose mind is trained wholly in legal affairs attempts to indulge in the discussion of industry. I can imagine Judge Payson entering a shipyard with an injunction to restrain and to restrict the tides.

Mr. McCLEARY. Just a word there, while you are speaking about that bottle gatherer. I was wondering whether the shorter hours the bigger the pay of that man would be.

Mr. GOMPERS. Yes, indeed.

Mr. TRACY. That is absolutely true.

Mr. McCLEARY (addressing Mr. Payson). I do not mean the man that you mean.

Judge PAYSON. My bottle gatherer.

Mr. McCLEARY. But his bottle gatherer.

Judge PAYSON. I mean the fellow that comes to my house every once in a while to take up the ginger-ale bottles.

Mr. GOMPERS. Mr. Chairman, there never yet has been a gathering of workmen, either in a permanent organization or called together or brought together for the consideration of their economic interests, the relations of themselves to each other and of the working people to employers and society, which, when having the question of hours of labor under consideration, has not declared unanimously, without a dissenting voice or vote, in favor of the reduction of the hours of labor and the enforcement of the eight-hour workday. I challenge any man to get a gathering of men, of wage-earners, together, and, realizing my own comparative insignificance in powers of expression and statement to the gentlemen who are representing the opposition to this measure, I challenge them to make a statement, and give me also the opportunity, with my humble ability, to do so, to the wage-earners—the men in their employ—and have them take a vote, a secret ballot, where they can express their views unsuspected as to how they vote, and which would not incur the penalty of their dismissal.

Just for a moment let me speak of this. Last Friday evening at Bethlehem, incident to the address I delivered to the professors and students at Lehigh University that day—

Mr. McCLEARY. On what subject was that, by the way?

Mr. GOMPERS. On the struggles and aspirations of labor.

Incident to my address at the university a mass meeting was called at the municipal hall, it being known that I was coming to the place, and there two questions were discussed—Chinese exclusion and the eight-hour bill. And out of the audience one whom I afterward learned to be thoroughly in earnest arose and offered a resolution as follows:

*"Resolved by the people of South Bethlehem, West Bethlehem, and Bethlehem in mass meeting assembled, in the municipal hall in South Bethlehem, That we heartily indorse the Gardner bill, providing for the extension of the eight-hour law on all Government work done by the United States Government and by those holding Government contracts.*

*"Resolved, That a committee of three be appointed, who shall immediately transmit a copy of these resolutions to the chairman of the Committee on Labor of the House of Representatives and to the chairman of the Committee on Education and Labor of the United States Senate.*

*"SOUTH BETHLEHEM, PA., March 14, 1902."*

The committee appointed consisted of three members.

I want to say to you, Mr. Chairman and gentlemen, that at the day address before the Lehigh University, Mr. McIlvaine, the president of the Bethlehem Steel Works, had his private stenographer to take down word for word my

utterances there, and he also had his stenographer at the evening meeting to take down my every word. I had only learned after the close of the address that the young man who took down my address stenographically was Mr. McIlvaine's representative; and seeing the stenographer there in the evening, I took pains to make the statement of our opponents clear. There were hundreds of iron and steel workers at the meeting—heaters—and I made the statement plain and clear and the contention of the opponents, the statements of Mr. Johnston, the superintendent of the company, and the statements of others, and, gentlemen, these heaters, iron and steel workers, stated to me that the position that Mr. Johnston and Mr. Dinkey and others have taken is absolutely absurd, that the practice is now absolutely that men leave a heat at any stage and turn it over to others; that when Mr. Johnston or any other man says that there is no regularity as to shifts of twelve hours of the men, he states that which is not true; that these men do work in twelve-hour shifts, and that at any particular stage of the heat, the forging or the casing, the men leave it and other men take hold.

And they were very enthusiastic, as this resolution shows, and expressed and voiced their sentiments with a zest that means something more than a simple assent.

After the meeting, after coming and thanking me, and praying that we may be successful in securing the passage of this bill—

Mr. PAYSON. If you will pardon me a second, I will say that pending the argument I have received the card of a client, and I said that I would meet him at my house at this time, in fact the time has already passed, and if I should leave I trust you will not regard it as any discourtesy.

Mr. GOMPERS. Not at all. And I would say, too, that you may rest assured that I will not say one thing in your absence that I would not say if you were here.

Mr. PAYSON. That you would not say in my presence?

Mr. GOMPERS. Yes.

(Judge Payson here left the committee room.)

Mr. GOMPERS. I would just add this: The Judge suggested the notion that the committee invited witnesses here to appear in opposition to the bill, or asked them to come here, when as a matter of fact, as you well know, they were not invited, they were not asked. They came here of their own volition. We submitted no testimony and no witness, because we thought it was unnecessary. We were satisfied that the committee knew that the contention of the opponents was not well founded.

Mr. Chairman, I feel that it is scarcely just and considerate to ask the committee to sit longer.

The CHAIRMAN. Finish your argument, Mr. Gompers. It is just as much our duty to sit here as it is yours to present it.

Mr. GOMPERS. Our opponents have stated that we have not undertaken to disprove the testimony of their witnesses to any considerable extent. We have brought men here who have been untrammelled: we have brought men here who have had the best possible experience, and though there may be slight changes, there may be improvements in machinery, every man knows that the tendency of machinery, the tendency of improvement, has all been to simplification and not to complexity, and the experience which these men had has been well placed before the committee and they have been untrammelled.

No wonder we can not get—it is true that we can not get—witnesses among men who are employed by these companies. It would simply mean that they would be discharged. It may be possible that the Senate Committee on Education and Labor will require hearings on this bill. I trust it will not, but will take the hearings as they have been had before this committee and previous committees as sufficient; but if it does, we shall be in a position to present witnesses upon the stand who have had the experience in these companies direct, and who will be in a position to speak by the card.

Sensible men do not undertake to disprove assertions the absurdity of which is apparent to everyone but those who make them. The idea is absurd for men to claim that it is impossible to manufacture the best steel within the limit of eight hours, or that if it is impossible to manufacture it within eight hours that it can not be transferred from one set of men to another set of men of equal skill. I grant you that there is something lost when a man dies, but in the great sum total human progress is not interrupted.

One of the men who was most vehement in his opposition to this bill in the Fifty-seventh Congress was Mr. Harrah, the president of the Midvale Steel

Company, and yet he admitted that the eight-hour workday will be reached in his time. In his testimony he said that he believes that it is only a question of time when we will have an eight-hour law, and then he said, "We all work too much now."

It may not be uninteresting, in connection with the question that Judge Payson asked as to who wants this bill, to cite the fact that when the Judge first came into these hearings he then challenged any man to say a word for this bill, and doubted that there would be anyone who had the temerity to say that he was the father of it or would stand sponsor for it. He has gradually observed, with growing interest, that there are some who are willing to stand in defense of the bill and plead to the best of their ability.

Surely, if men who associate themselves amid risks for protection against loss of employment, in order to protect themselves against the invasion of their rights by the companies; when men will assert themselves, endeavoring to secure a shorter workday, and are willing to make sacrifices, as some men have—say, in the iron and steel crafts, in the machinists' trade, in the iron-molding trade—men who have been out on strike for month after month for seven and eight months continuously, in order to secure a shorter workday, it seems to me that this is fair evidence that they are thoroughly in earnest on the subject.

I might say that the Judge referred to the fact that the law, if enacted, would reach the paper mill which makes and prints the letter heads and stationery of Congress. I do not know that the bill reaches that mill, but if it did he would find that the eight-hour rule practically obtains in the paper mills at the present time.

I should say that Neafie & Levy, the shipbuilders of Philadelphia, were not forced by the strike to the fifty-six-hour week rule—from sixty to fifty-six—but it was by agreement; and it does evidently show that these men can continue to exist and successfully carry on their business without operating the ten-hour day or the twelve-hour day.

We have been regaled with the very important statements regarding the Sterling Boiler Company, of Sterling, Ill. You have heard the statement that the only dissatisfaction the company has had with its employees, the only point of dissatisfaction of the men, too, is that they were ordered out on strike by the officers of the International Association of Machinists. Now, that was another remarkable statement, and the most remarkable thing about it is that it is not true. The facts in the case are that the men in the Sterling Boiler Company were unorganized, in no way connected with the union, and they went on strike without consulting or being asked or asking anybody, or being advised or ordered by anybody. In fact there was no one addressed them with a view of having them go on strike, but of their own volition they struck for a nine-hour day. No man dared join the union at Sterling; if it be known, he can not remain in the employment of the company. It would involve his immediate dismissal.

Mr. Cramp, in one of his statements before the Senate Committee on Education and Labor, said:

"The cheapening of any article increases the demand for it, and such increased demand opens a new field for development, creates new interests, and causes new employment."

And with that we entirely agree. It is testimony to the great work and cause in which we are engaged and which comes from our opponents, and is all the more valuable for that reason.

It is unnecessary, Mr. Chairman, to call attention to the fact that the gentlemen who have appeared in opposition to the bill, and I want to repeat it again, in spite of their denial, have said time and again that they are in favor of an eight-hour system, if it is generally applied in the industries; and yet the only witnesses they have put upon the stand have tried to demonstrate that the system is impossible, providing the best and highest grade of steel is to be manufactured, and I repeat that upon either one or the other horn of the dilemma are they empaled.

Mr. Chairman, we do not want to stop machinery, either the machinery of government or the machinery of industry, in the hands of our citizens, nor do we want to limit production. We want more time for ourselves and our fellows. We feel confident that with more time and more leisure we shall have the very best industrial and commercial conditions prevailing in our country. We want the United States to be an inspiration to the whole world commercially and industrially, and socially and morally, and intellectually and physically. There is

an acme of all excellence that we want to be typified in our country. But we contend that it is impossible to attain anything like that degree of excellence and superiority, and the maintenance of our manhood and our civilization, unless it is based upon a better economic and social condition for our wage-earners, and these are impossible, in turn, without lesser hours of labor, implying greater leisure and opportunities.

There is one remarkable statement which Mr. Payson made which, if analyzed, gives his whole case away—that is, he said, substantially, that if this bill should be enacted with the men who did Government work, and numbers of their employees working eight hours on that Government work, they could not work their employees ten hours on private work, “because,” said he, “the man who works eight hours would be the envy of those who worked ten hours.”

The CHAIRMAN. That is, provided he got the same pay.

Mr. GOMPERS. Well, the fact of the matter is he would get the same or more. The Judge did not qualify it.

Mr. McCLEARY. He did in the sentence which followed it.

Mr. GOMPERS. Perhaps he did; but he said that the man who worked eight hours would be the envy of those who worked ten hours or more. If that is so, it demonstrates that the men who work the shorter hours occupy the enviable position, and it is the enviable positions to which men should direct their efforts to attain. It is a clear confession on his part that the whole contention is untenable. The reduction of the hours of labor to eight implies a greater and better manhood, a better worker, a better citizen.

Mr. McCLEARY. One moment. This working but eight hours and getting of equal or better wages must be founded—because otherwise it is making something out of nothing—upon superior productiveness in the eight hours.

Mr. GOMPERS. Yes, sir.

Mr. McCLEARY. That is all right.

Mr. GOMPERS. Yes, sir. The man wants more of the things that are made.

Mr. McCLEARY. He could not get them if they were—

Mr. GOMPERS. Yes, sir. The demand for them gives the impetus to their production. A newspaper in China—such, for instance, as we find in our great metropolitan cities and sold for 1 or 2 or 3 cents—could not be produced and printed in China for less than \$5 a copy, because of the few who want newspapers. It is the demand for the newspapers that decreases the price, and I know that this is counter to some notions of the old political economists who say that supply and demand, taken in their ordinary accepted sense, determine the price of the article, and say that when there is a demand for a thing then the price goes up, and that when there is a great supply of a thing the price goes down.

Now, the fact of the matter is that under normal conditions, in regard to anything that can be produced (and facilities for drawing the raw material for which nature does not deny), which is the product of human labor, the increased demand tends to cheapen, not only the cost price of the manufacture and sale, but the purchase price also.

Mr. McCLEARY. The demand creates the supply.

Mr. GOMPERS. The demand creates the supply. It involves new appliances, new methods, new machines, and where perhaps by the simple appliances of hand labor used in the production a very small quantity of things is being produced, let that demand become general and hand labor immediately disappears; there will be perhaps a few who are faddists; but the machine will be introduced and new tools invented and other improvements applied to it, and the production of the article goes on with tremendous impetuosity.

The CHAIRMAN. And more people are enjoying the good things of the world?

Mr. GOMPERS. Yes, sir; more of the people are enjoying the good things of the world. But they must have time to wear them and enjoy them. They can not wear and enjoy them unless they have the time.

The CHAIRMAN. They must first of all want them?

Mr. GOMPERS. They must first of all have the time, because they do not want them if they have no time. They can not use them if they have not the time.

Mr. McCLEARY. Of course you want them to have their wants along channels that would be good for them?

Mr. GOMPERS. Yes, sir. The fact is, Mr. Chairman, that the men who work a reasonable number of hours a day—eight hours—are always more moderate, more temperate, than those who work longer hours.

Mr. McCLEARY. I think there is a great deal in that.

Mr. GOMPERS. The men who work eight hours require none of that artificial stimulant which men want or seem to want when they work longer hours.

Mr. McCLEARY. Of if they work very much shorter hours?

Mr. GOMPERS. Yes, sir. There are two elements in the world which are vicious; the fellows who do not work at all—and I mean the upper and lower—the fellows who do not work because they do not need to, and the fellows who do not work because they will not; and both of them are living upon the world, parasites. There are these two, and from the very high to the very low, who become corrupted because of not knowing what to do with their time, and them, the ordinary pleasures and amusements do not supply the excitement which is necessary to their torpid condition.

The men who work a reasonable number of hours and those people who are usually regarded as the great middle class you will find usually the most temperate and the most careful; and why? Because they have a fair degree of comfort. They are not always worrying about the morrow. They do a good turn to society in return for the living that it affords them. So with the man who works eight hours—a reasonable number of hours; he gives a good day's work in return, and he returns good for good; duty well done, industrially, politically, socially, and morally, for the reward received from society in paying and treating him well, in having performed his duty as a worker and a citizen.

It is not necessary that I should refer to what men have more competently and ably set forth. They have done it so well that I am enthralled, when I read, by the manner and the matter that they have presented to the world. All that I can say is this, that the workers want this; they know they are right, and there is not a man—and I do not want you for a moment to imagine that I am saying this as a mere complement or to persuade you gentlemen, but candidly I know of no man—who has unbiassedly entered into an investigation of the philosophy upon which this movement to reduce the hours of labor is based but who has become fully convinced of its justness, of its economic soundness, and its safety for the people. I know of nothing that is so far-reaching in its beneficent effects.

I want to assure you, Mr. Chairman and gentlemen, that I have read the propositions, I think, of nearly every school of reform from the writers of the past three hundred years; I have noticed their propositions and studied them, but there is none of them that appeal to me, to my judgment, as being so efficacious and as working so little injury, as being so rational, gradual, and containing so little friction at this movement to reduce the hours of labor. And it is because I am convinced of it, and because my fellow-workers are convinced of it, even if many of us can not give expression to our convictions, can not give our reasons as intelligently as many others can, for the faith that is within us, we too feel it, and believe it, and know it, that this movement ought to succeed.

Now, there was a question, Mr. Chairman, which you asked me in the early part of your questions which I do not want to evade or avoid.

Mr. McCLEARY. It is whether your observations lead you to believe that the eight hours is practicable in all callings. You have covered the ground partly both in your testimony and in your statement now.

Mr. GOMPERS. I will say, conceding that the law provides not a uniform but a maximum eight-hour day—

Mr. McCLEARY. That is just the point. Supposing there is a work in progress, and taking the illustration which the gentleman gave here, ten minutes or fifteen minutes or a half an hour or an hour will finish that piece of work, and it is not practicable to get a crew that will finish it; that is, men would not hold themselves in readiness to be summoned—

Mr. GOMPERS. Yes, sir.

Mr. McCLEARY. In the interest—and now I am thinking of the men who work—of all concerned, is it advisable to have it so that they could not go on and finish that, and thus cripple the yards in which they work, and thus cripple themselves? Is that position well founded or ill founded?

Mr. GOMPERS. During the recess I made inquiry in regard to the matter from a man who has been engaged in the shipbuilding industry and who has been a very large observer, and he said, "Why, the claim made is absolutely absurd." When they have one of these great big armor plates on the crane they build a platform, and then the armor plate is on the crane adjusted to a great chain—

Mr. KEEGAN. That is never raised until the place it is going to be set in is ready for it. The foundation is a permanent foundation and is ready before it is raised. They do not have a floating platform.

Mr. McCLEARY. On the side of the ship?

Mr. KEEGAN. Yes, sir. That is ready, generally, before the plate is raised, and they raise it and put it right on this permanent base.

Mr. GOMPERS. How long does that take?

Mr. KEEGAN. Five minutes. It is as easy to handle 50 tons as 5 pounds with one of those cranes. Or, if it was thought necessary to fasten it, five minutes if you put a chain around it that would hold it overnight, or they would leave the chain in that way.

Mr. GOMPERS. How about the tide?

Mr. KEEGAN. They do not work tide work always. They have got past that. They have great long cranes in Cramp's shipyard that go right out in the street and take the material off the cars and travel right in through the yard and put it on the side of the ship, all in one operation if necessary.

Mr. McCLEARY. And the tide does not affect them?

Mr. KEEGAN. No, sir; the tide does not. They have a crane built right in the yard which would look to a man who was not a mechanic like an elevated railroad—an elevated trestle with a chain running back there. The weight does not make any difference; they can lift any amount up to 100 tons, one of those cranes can. They can handle those great weights just as easy as if they only weighed a ton.

Mr. McCLEARY. How long does it take to lift one of those big pieces?

Mr. KEEGAN. The sternpost?

Mr. McCLEARY. Well, take that for an illustration, then.

Mr. KEEGAN. I should imagine, from my experience, the sternpost would be one of the most complicated pieces to put in place. They very often use a crane in the yard, but as a rule the ship's stern is right out to the water for launching, and it is almost impossible to use a crane to put that in from the fact that the tide at any time, almost, is too low to get in close enough to the ship to put in those plates. That is an ugly casting, though it is not a large one. It can be handled better by the rigger on shore.

Mr. McCLEARY. How long does that operation take?

Mr. KEEGAN. It takes several days.

Mr. McCLEARY. But they can stop that?

Mr. KEEGAN. Yes, sir; they do.

Mr. BARTHOLOMT. It is no matter how long the work would be?

Mr. KEEGAN. No, sir. I have worked myself putting them in and stopped at any given time in a moment.

Mr. McCLEARY. In regard to the attitude of the men for the eight-hour day, wherever you put it to the men who worked with their hands, they were united. I can well understand that; but might it not be true that the men were for the general proposition as we are all for a good thing; just as a farmer might like to work eight hours and like to have a system under which he could; but yet would the farmer like to have a law passed which would forbid him to work longer?

Now, might not this be true, that while the men who work in the factory would welcome the eight-hour day, on the theory that it would give you greater wages with greater efficiency, would the man welcome a law which would say to him, "You shall not be allowed to work more than eight hours if you want to?"

Did you ever put that side of it to him?

Mr. GOMPERS. Yes, sir; it occurred this way: I have the honor of belonging to the Cigar Makers' International Union of America. I worked at my trade twenty-six years and helped to the full limit of whatever ability I am possessed to advocate a shorter workday among my fellow-craftsmen, who were and are pieceworkers.

Mr. McCLEARY. And therefore naturally anxious to have a long day, and ambitious?

Mr. GOMPERS. Yes, sir. Naturally, if there be any ground at all for objection to it, it would be among the pieceworkers.

Prior to 1884 the members of my craft worked any hour the notion took possession of them. I do not want to say any hour they desired, because they often worked when they did not desire, but any hour that the notion or necessity took possession of them. Now, the result of it was that they would work usually seven days in the week, taking off Monday afternoon and perhaps part of Tuesday—blue Monday and its continuation the following day. They would then work as soon as they could arise in the morning until any time at night.

In 1884 a resolution was proposed at the convention of the Cigar Makers' International Union to limit the hours of labor of the members of the organization to ten per day. That proposition was submitted to a referendum vote of the members and adopted, and ten hours, after January, 1885, was the regular normal workday of the members of our craft.

The convention met at the end of that year and resolved that on the 1st of January following the hours of labor should be nine per day for the members, and that on the 1st of May, 1886, the hours of labor should be reduced to eight per day. The proposition was submitted to the members of the International union and ratified by an overwhelming vote, and that law has been in force from that day until this, with a provision that any member who works more than eight hours in any one calendar day shall be fined 50 cents for each such violation.

I am a member of the executive board of the cigar makers' union, and fines are published in our official journal or referred to our members on that board, so that of course the violations of the law of the International Cigar Makers' Union in the year are well known.

Mr. McCLEARY. That is in your total membership?

Mr. GOMPERS. Yes, sir.

Mr. McCLEARY. What proportion of the cigar makers of the country are in that union?

Mr. GOMPERS. Sixty-five or 70 per cent, or more. And except in a few districts our rule applies, and I should say that the improved condition of the union cigar makers, so far as their wages and condition of general intelligence and manhood and character is concerned, has been so marked it is a source of the greatest gratification to the men who have observed it.

Mr. TRACEY. Might I say that in some instances, also in many places in the country, the cigar makers have voluntarily reduced their hours by three on Saturday, working eight hours a day the other five days in the week. They have voluntarily done that.

Mr. McCLEARY. That is less than five hours?

Mr. GOMPERS. Yes, sir. Now, this law was ratified, every member having a right to vote.

Mr. McCLEARY. Was it a secret vote?

Mr. GOMPERS. Yes, sir. For example, in the German-American Typographia, of which Mr. Bartholdt was member in his young manhood, and in which we are very proud of him—

Mr. BARTHOLDT. I am proud of it, too.

Mr. GOMPERS (continuing). They have a five-hour day, and there is no organization on earth—no association on earth—which is more democratically conducted. There is nothing binding upon the members unless the members have an opportunity to vote on it by a referendum vote, and the same is true, too, of my organization.

The members of the International Association of Machinists on May 20 were out on strike to the number of nearly 35,000—there were fully 30,000 nonunion men out on strike on May 20, 1901—to procure a nine-hour day. That is not mere sentiment. It is not a question of trying or being in favor of a thing pro forma, the same as anyone else is in favor of a good thing; but when men will go out on a strike with the possibility of going hungry for a while or being on short rations for a time and being deprived of the little pleasures that men indulge in while they are at work and receiving their wages in order to secure the shorter workday, that is pretty good evidence that their hearts and souls are all committed to it.

Mr. McCLEARY. That betokens there is some good reason—or, at least, a reason satisfactory to them—for the willingness to forego their private choice. Now, on what grounds do they justify that? That is a serious thing for a man to say, "I will forego my choice."

Mr. FURUSETH. For the general good of the trade.

Mr. McCLEARY. The individual man must have some reason for foregoing his private choice. What is it?

Mr. BARTHOLDT. The private choice to work longer. He foregoes that for the common good.

Mr. FURUSETH. For the common good; and for his own also.

Mr. GOMPERS. Experience has taught him that it will bring an increased wage and better conditions. That is true of every wage-earner in the country the world over.



Mr. McCLEARY. They can not share a smaller result and each one get more. There must be a greater result. There is only one way to have a bigger share of pie—either to have fewer working at it or a bigger pie.

Mr. GOMPERS. There is a joint resolution pending before the Committee on the Judiciary of the House of Representatives which, if it is passed, will effect a change in the Constitution of the United States, or an addition to the Constitution, granting to Congress the right to regulate and to establish uniform hours of labor in the different States in the country in manufacturing industries.

Now, I just want to say a word in regard to a statement which Judge Payson has made, and which I think I ought not to allow to pass unchallenged. That is, he said that the bill is the result of the political labor agitators—that it is predicated upon the idea that men should look to the Government of the country for all their relief and all their ills.

Now, this is far from the truth. As I indicated a little earlier in my statement to the committee, we try to do all we can by agreement with our employers, by unions, by organizations, by practical application of concerted effort and unity, and only to that extent where the Government enters as an employer or aids another employer in strengthening his position and in doing work for the Government, we insist that the Government must deal with that branch of it and in so far as at least as its work is concerned.

As to its influence, we understand that very easily; we grant it very readily that that will be the effect upon the men who would work ten hours in the same plant with men who were working eight hours; that the men who were working ten hours would soon insist upon the application of the eight-hour rule to themselves. There is no doubt of it.

Mr. McCLEARY. Suppose this alternative; supposing the companies now taking Government work would say it is only a small part, as I understand the statement of Judge Payson to be it is only a small part of the work, far less than half; suppose that these companies were to say, "We can far better forego the smaller part than the larger part, and we will simply forego the Government work;" the alternative being that the Government should do its own work. Would you accept that alternative?

Mr. GOMPERS. If that were the alternative, I should have no objection to it at all, but I believe, I am satisfied, that the Government will never be confronted with that alternative. The contractors would undoubtedly bid for that work, and bid with each other for it, or bid against each other for it, and so conduct their industries that it would be all practically upon the eight-hour basis. The tendency would be in that direction, and it would simply give it an impetus. I am satisfied that that would be the result.

The Government contractors, like the poor, we always have with us.

I want to say too, Mr. McCleary, that I think that it is not the nice thing to do or say, it is not the wise thing to say and do, to be continually holding up the bogey of socialism when any workmen of their representatives ask for any relief at the hands of the Government. It is not a good thing to do.

If, for instance, what we ask is socialism, and you convince us that it is true, do you not see that you at once make socialists of us?

Mr. McCLEARY. You will not be afraid of the name?

Mr. GOMPERS. We will not be afraid of the name, and as to other men also who, like us, stand as plain everyday American citizens who try to do our duty, who try to protect ourselves, who seek nothing violent, seek no violent reform, but something that is substantial and progressive, if you designate every one of us as socialists because of that, why it simply means the next step. It will not deter men from regarding socialism, or looking inquiringly into what constitutes socialists and socialism.

Now, shall I say anything in regard to the New York Sun, in reply to the New York Sun, as to the attitude for or against labor upon any proposition? This, too, I think, might be well left to the conscience of the writers and editors of the paper and to the judgment of the Members of Congress.

Mr. McCLEARY. Am I correct in the understanding I had that you did not look for or aim at the limitation of production?

Mr. GOMPERS. Yes, sir; that is a fact.

Mr. McCLEARY. I am very glad to hear that, because I have heard men quoted as saying that the less men do the less men would have to do. Of course the only way for each to have a bigger piece is to have less to divide.

Mr. GOMPERS. We want to produce more and to have a larger share of that which we produce, and we are going to have it—going to have it by this law, and going to have it outside this law, and I have every belief and hope that the

honorable committee will report this bill favorably, and that the House will pass it, and I trust that the Senate, too, may pass it, and that it may become a law within the life of this Congress; but if it does not, that is not going to dishearten us a bit. It will simply make us more determined that it shall pass. Perhaps it will make the feeling a little more intense and bitter, but we are not going to desist in demanding at the hands of Congress the passage of this bill until it graces the statute books of our country.

Mr. TRACEY. What do you think of the statement of Judge Payson, that this bill will not become a law?

Mr. GOMPERS. Perhaps he may have sources of information denied to me. It is possible that he has, as did our deceased friend, Senator Kyle.

But in spite of all opposition the eight-hour rule and law will and must soon be the daily limit of America's workers. Speed the day of its universal enforcement. We ask you to aid us in the enactment of this humane and economically sound, morally righteous, socially and politically wise proposition.

STATEMENT OF MR. ANDREW FURUSETH, REPRESENTING THE SEAMEN'S ORGANIZATION.

Mr. FURUSETH. Mr. Chairman and members of the committee, I represent the seamen. The question has been raised here, Why are the seamen excluded? I think it might be necessary and proper that that should be told. We work twelve hours a day at sea, and more likely we work all the time. I will explain, as shortly as I can, the routine of life, and you will see from that the impossibility of dealing with the seaman's life in a bill such as this.

In what we call a good vessel we are divided into two watches, one called the starboard watch and the other the port watch, one nominally under the control of the captain but really under the control of the second officer, the other under the control of the first officer. The twenty-four hours are divided as follows: I will begin at 8 o'clock at night. The starboard watch takes from 8 o'clock until 12.

The ACTING CHAIRMAN. These are vessels at sea?

Mr. FURUSETH. Yes; I am dealing with vessels at sea. The port watch takes from 12 to 4 in the morning; the starboard watch from 4 until 8; the port watch from 8 until 12; the starboard watch from 12 until 4. Now, there are four hours remaining, and that is cut up into two in order that it shall not come the same road all the time. Those four hours are cut up into two, from 4 to 6 and from 6 to 8. They are called dog watches, so that it changes around for the next day. We do not get the same watch, from 8 to 12, and from 12 to 4, and so on.

That is for the usual and ordinary management of the vessel and for doing the usual and ordinary work that takes place and must necessarily be done on board of a vessel. When there is any more than ordinary occasion for it—it may be the shortening of sails, or it may be the setting of sails, or it may be doing this or that or the other thing, the hundred-odd things that are done aboard of a vessel for her management—the watch below is called out, and sometimes we do not get the watch below that we should get, but you see that even under the ordinary conditions, where the watches are going in their regular way, there is twelve hours' work. In what we call a bad vessel the watches run the same way, but we do not get any watch below from 12 o'clock in the day until 8 o'clock at night. We get no chance to rest or sleep. We are kept on watch and kept at work, except for an hour or so, between 7 and 8.

Then there are some vessels, particularly steamers, where they have what we call calashe watches, a name taken from the East Indies, where we sleep whenever we can and work whenever we are called upon. That is not very common, and is extremely unsafe. Even the ordinary situation is not the best that it could possibly be made, but it is all right. We are not making any complaint about it, and never did. As long as they have the necessary number of skilled men on a vessel to do the ordinary work, and leave the watch below to stay below and have the rest they should have, we have no special complaint; but if a man does not get the watch below in the afternoon he does not get enough sleep.

He goes on deck at 8 o'clock in the morning—or rather he is called out at 7, because we take our meals during our watch below—and works all the forenoon, all the afternoon, and then from 8 o'clock to 12 that night, and goes below from 12 until 4. That gives us about three hours and a half of sleep in some twenty hours. In the sea lore the most dangerous time on the vessel is the

watch from 4 o'clock in the morning until 6. Those two hours are called the graveyard watch. That is the time when the graveyard is open, and the accidents that have caused the greatest amount of loss of life usually come at that time.

I can give you a very short instance of an experience that I had myself. After having been on deck in that way, I was called up in the ordinary way again at 4 o'clock in the morning and I went on the lookout. I was on a vessel in the Indian Ocean. I came on deck and walked up and down on the fore-castle head, half asleep. I had to relieve the lookout and the lookout said, "Well, I have reported that ship." I did not really know what he had told me. I was not conscious of what was going on. I was too sleepy; but all of a sudden somebody behind me, that is, down on deck, said, "She is coming right for us," and then I woke up. I really woke up. I looked, and on our weather bow was a vessel coming toward us. We were going about 9 knots on the wind.

She was going before the wind and coming down, right down on us. She was running 11 or 12 knots. We were loaded with salt. What she was loaded with we never knew. If we had gone on the way we were going, and she had gone on the way she was going, we would have been caught right between the main fore rigging—that is, a little forward of the midships of the vessel, and just as sure as we had struck each other, both vessels would have gone down. Well, the world would simply have known that two vessels were missing; that is all. The watch that I had relieved had not gone below. They were standing looking at this vessel coming, and the mate called the skipper. He came out undressed, and he looked and said, "Let go the lee braces."

That helped to stop the speed of our vessel, you understand, and he sung out to me on the fore-castle head to ring the bell to call the attention of the other vessel. Those on board of her were, to all appearance, apparently unconscious of the fact that there was anything ahead of them. They had been called out the same as we had been, and the man on the fore-castle head was probably in the same condition I was in when I came on the fore-castle head. Perhaps the officer on the bridge, or on the poop deck, as we call it in a sailing vessel, was in the same condition I was in also. So they did not see anything, and it was simply accident that we did.

The man at the wheel, an old seaman, said to the captain, "Shall I put the wheel hard down?" The captain said, "Yes." He did put the wheel hard down and brought the vessel up in the wind, which stopped her speed, because the wind then came into her sails from forward instead of from aft. We were standing on the fore-castle head when she passed right by us, and I could have taken this piece of glass and thrown it on her deck. The danger of collision was caused entirely by the lack of rest.

I presume things are the same in other directions—that lack of rest will produce the same effect; but you can see from the routine in a vessel that it is not possible to apply a law such as this to a vessel at sea. It is simply out of the question. For that reason, when the chairman of this committee some six years ago drafted this bill, I spoke with him about it and talked the matter over, and after seeing Mr. Fuller, he said: "We will put that exception in, not to apply to transportation by land or water, simply because it is inapplicable to the inherent condition of transportation by land and water."

Mr. GILBERT. Why could you not have three shifts instead of two?

Mr. FURUSETH. We have two shifts on a vessel.

Mr. GILBERT. I mean to say, why could you not have three shifts and have each one work eight hours instead of twelve hours?

Mr. FURUSETH. You mean have four hours on deck and eight hours below? That is a three-watch system. That is used in the fireroom of a vessel, where it is simply out of the question for a man to stand more than four hours unless he can get eight hours' sleep. The firemen in the stokeholds have the three-watch system. On other vessels it would be well enough if we could get the two-watch system, but we do not get it. There is a bill before Congress now in which we ask to get it. What time it will be considered is another matter.

Now, just one word more on the matter of the influence that the additional hope or lack of hope may have on men. I knew a man in California, over fifty years of age, who was roving around the world like sailors do. He was from Texas, and from his talk evidently he had a family in Texas from whom he had parted in some way or other. He was very much of a drunkard. He drank everything he got hold of in a peculiarly reckless way. One day somebody—I do not know who it was; the Lord or somebody—sent him hope in the shape of a winning in the Louisiana lottery amounting to some \$3,700.

It absolutely and utterly changed the man within a week from being a drunkard, from being careless, not caring anything for anybody or anything, to an entirely different man. He changed absolutely, and within three weeks he went back to his family. There is the difference between hope and the lack of it.

The ACTING CHAIRMAN. He became a capitalist?

Mr. FURUSETH. Well, from his point of view, perhaps. The fact of the matter is that we have a saying among sailors, when they get paid off with a couple of dollars—"Well, what's the use, boys; we can't buy a farm with this, anyhow; let's have another drink."

The spirit of the lack of hope, the man who has given up the struggle, has been expressed by Rudyard Kipling better than by any other man who wrote in the English language in the "Ballad of the Boilivar." There is one verse in it that I think I can recollect:

Seven men from all the world,  
Back to town again,  
Rolling down the Ratcliff road,  
Drunk and raising Cain;  
Seven men from out of hell,  
Went to founder, we  
Euchred God Almighty's storm,  
Bluffed the eternal sea.

WASHINGTON, D. C., February 4, 1904.

The committee met at 10.30 o'clock a. m., Hon. John J. Gardner in the chair.

The CHAIRMAN. Gentlemen, this is the day set for the beginning of the hearings on this eight-hour bill. No application for hearings have been made except by those in opposition to the bill, and it was in deference to the applications for hearings in opposition that a time was set for the committee to take up the bill. Mr. Clerk, is there any application on file by anybody to be heard in advocacy of the bill?

The CLERK. No, sir.

Mr. GOMPERS. If I may ask your attention for a moment, I desire to say that this bill, or substantially this bill, has been before the last three Congresses and reported favorably by the Committee on Labor of these Congresses, and passed by the House of Representatives by a practically unanimous vote. We who advocate the passage of this bill believe that because of these facts, because notwithstanding the large array of local talent which has been retained and has appeared in behalf of the opponents of the bill in former Congresses, and before this committee, and in view of the fact that a large amount of time was taken up by the opponents of the bill in presenting evidence, and the opponents being unable to persuade any prolonged hearings, these hearings being very largely printed, the evidence being printed, we do not believe that it is necessary for us to present testimony in favor of this bill. Our arguments are in print and we are easily accessible to the members of this committee and to the Members of Congress. If the opponents were to adduce any particular new feature, we would then feel warranted in asking the indulgence of the committee to give us an opportunity to submit evidence, or arguments, to disprove the contention of the opposition. And, further, in view of the fact that the Committee on Labor is very largely made up of the same members that constituted the committee last Congress and in previous Congresses—all these things taken together—it seems to us unnecessary to submit any proof or any evidence as to the advisability or necessity or wisdom of the passage of this bill.

Mr. McCAMMON. Permit me to say that the gentleman who has addressed the committee was not—unconsciously, perhaps—very complimentary to this committee. This is the committee of the Fifty-eighth Congress, the Committee on Labor of the House of Representatives, composed largely of new members of Congress, new members of the committee, and it is not the same committee, not nearly the same committee, that considered this matter in the last Congress, and I take it for granted that the members of his committee desire all that is necessary and important for them to hear with regard to this bill.

Another thing; this is not the same bill that was before the former committee, and in some respects it is not *substantially* the same bill as was presented for the consideration of this committee at the last Congress. It is true the central idea is the same—that is, to compel directly Government contractors to adopt a fast eight-hour system, and indirectly to compel large manufacturing interests of the country to follow suit. That is the object of the bill.

On the first division, as to Government contractors, with the permission of the chairman and the committee, I would say—I do not wish to extend my remarks at this time, but it seems opportune to say this much—that this present bill avowedly is for the purpose of compelling the shipbuilding interests and those manufacturers who supply materials for ships to adopt the eight-hour system. In other words, in this country of ours of equal rights—we believe in equal rights, all of us believe that without regard to party, and whether we have them or not is another question—it is proposed by this bill to sustain a principle which is obnoxious to every theory upon which our country has grown. If the committee will carefully read the bill, it will be noticed that nearly everything is excluded, and if you go further and inquire as to the meaning of this particular bill, please read the record of the proceedings before the Senate Committee on Education and Labor of the last Congress. I say “avowedly,” because time and again the chairman of the committee very plainly indicated, in fact several times he plainly said, that everybody was excluded except the constructors of ships and the makers of steel which went into the construction of ships. For that reason I think it is important, first, that the committee should understand the full scope of this bill. Therefore it should have hearings for that purpose, and I, of course, go beyond that; I feel that it is the duty of those who favor the bill to explain why such an un-American measure should be forced through this committee. On that, before sitting down, I would like to call attention to a paragraph from the argument that I had the honor of making before the committee, or its predecessor, on March 18, 1902, and I hope I will not be tempted to make any further remarks at this session.

The paragraph to which I wish to call attention is as follows:

“Mr. McCAMMON. Mr. Chairman and gentlemen of the committee, in presenting the final argument on behalf of certain companies and individuals who have heretofore contracted with the Government, it seems incumbent on me to disclaim any opposition either to the theory of those who advocate an eight-hour system or to the practical application of an eight-hour system where the consent of the various trades and manufacturers which produce the same or nearly similar articles as are contracted for from time to time by the Government is unanimous. This consent must necessarily be practically unanimous or universal, else the advantage must be with the establishment which employs men to work ten or twelve hours in producing substantially the same product as those working shorter hours. Our opposition is to no theory, to no principle, but is directed to the vicious attempt to compel a Government contractor to be placed at a disadvantage in connection with producers in the same line of business if the bill under discussion should become a law.”

The meaning of that last paragraph is, and it must be evident to every member of the committee, that it will be impossible for a shipbuilder to construct Government ships under an eight-hour system and ships for commercial use under the ten-hour system.

Mr. GOMPERS. Mr. Chairman, I take it that the gentlemen of the committee will appreciate the fact that Judge McCammon is the sponsor for the intelligence and the safety of the committee, particularly as directed by the insinuations coming from myself. As far as I am concerned I do not thank him; I can not appreciate his volunteered defense of either the committee or the attempt to give to me a motive and a purpose that was furthest from my mind. I say again that the hearings before this committee have been as prolonged as perhaps the hearings on any other measure that has dragged through any number of Congresses in the history of our country. I know of no measure that has ever been considered by Congress or by a committee of Congress where there have been more prolonged hearings than there have been upon this bill or substantially this bill. Judge McCammon—

(The speaker mispronounced the name, as he had done once before in the course of his remarks, calling him “Judge Cammon.”)

Mr. McCAMMON. Excuse me; to whom do you refer?

Mr. GOMPERS. The gentleman did not go so far as to refer to me by name at all.

Mr. McCAMMON. I referred to you as “the gentleman.” I suppose that ought to satisfy most anyone.

Mr. GOMPERS. Yes; but the manner of the expression conveyed perhaps more than the words conveyed.

Mr. McCAMMON. You know better than that.

Mr. GOMPERS. However, we should not dispute about anything of that sort.

The gentleman appearing in opposition to this bill and who has just addressed you said that this is not the same bill and that it can scarcely be regarded as

substantially the same bill, although he admits that in a measure it carries with it the same principles which he immediately proceeds to attack, but he fails to say to you that the bill is a modification, if anything, of the previous bills that have been considered by this committee, and not as by indirection or silence he desired to convey to the committee that it is an extension of the provisions of the former bills.

You will have observed that in the course of a few remarks in which we are supposed to consider the setting of times for hearings, if any, the gentleman appearing in opposition to the bill, right in the beginning of this preliminary discussion as to fixing a time for hearings, if any, interjects one of the most important arguments (which in his judgment is important) before this committee. And why? It is not difficult to discern or infer. He desires in advance to prejudice the minds of the committee against the bill, and hopes to make it necessary that we shall be compelled to meet that argument now.

I will say that there is nothing in it; that is all. We will answer it in that way—that the bill under consideration is not un-American, that it is wise, that it is good public policy, that it is safe industrially, that it is a measure of economy, and one calculated to advance the citizenship and the manhood of our people.

I do not want, however, to enter into an argument upon the merits of the bill. I say, Mr. Chairman, we have not made any request or application to be heard before this committee upon the bill, and until we know what the opposition may have to present against it we shall rest content with the evidence that we have adduced and the arguments we have made in support of the bill, which is substantially the one now before you.

We ask and we hope and we expect that a bill which has received the favorable consideration and report of the Committee on Labor of the House of Representatives in the past three Congresses, a bill that was passed by practically a unanimous vote of the House, a bill that in the Senate was referred to the Senate Committee on Education and Labor and at various times reported favorably by the committee—and at no time in the history of this bill has there been any unfavorable report by any committee—will be considered a bill upon which it is unnecessary to have prolonged hearings, and upon which prolonged hearings will not be permitted.

The policy not only indicated but demonstrated before previous Congresses has been to prolong the hearings, that has been the policy of those opposed to the bill; it has been their policy to make application to be heard, to submit evidence from time to time prolonging the hearings.

The gentleman who appeared this morning and who made the argument in opposition to the bill and made the point he has made, has been long connected with the opposition to this bill, but it is not quite so long a time as the time I have had the honor of being connected with those who advocate its passage, and I know the tactics that have been employed by those opposed to this bill ever since it has been before Congress.

I want to say, Mr. Chairman, that this bill is not a vicious one; it has never been conceived as a vicious bill, and it is not harbored in the minds of its advocates as a vicious bill, and in proof there is no successful charge of that character that can be made. No man can honestly and truthfully say that a bill which in its effect will help to lighten the burdens of the daily toil of the working people of our country can by any stretch of the imagination be regarded as a vicious measure.

I shall not argue this bill at this morning's session, Mr. Chairman and gentlemen. I say that we are disinclined to submit any evidence in support of this bill at any time or submit any argument in its favor. We believe that the record in print, voluminous documents, contain the arguments and evidence of both those who are in favor of the bill and those who are opposed to it, and that it is not necessary to have any further extended hearings or take any further extended evidence in regard to the pending measure. We do not believe that there is a new point or a particle of new evidence that the opposition can present—I may be doing the opponents of the bill an injustice, but, if so, it is not intentional—I do not believe there is anything new they can present in opposition to this measure which is not already in print. They hope, I believe, to take up the time and prolong the hearings and make it appear how necessary it is for you gentlemen to hear evidence and hear further arguments, and then they will prolong the arguments, and then if you should favor the bill—and we hope you will and report it for passage—they will pursue the same course before the Senate Committee on Education and Labor, they will pursue the

same procrastinating course before that committee, and then employ the same means to secure its defeat by the Senate that has been employed in former Congresses.

Mr. Chairman and gentlemen, I have nothing further to add this morning to what I have already submitted to your consideration.

Mr. HUGHES. I move we call upon the opponents of this bill to proceed with their evidence and arguments.

The CHAIRMAN. Is there a representative of the National Association of Manufacturers here?

Mr. CUSHING. Mr. Chairman, I represent the National Association of Manufacturers.

The CHAIRMAN. Please give your full name and take a place at the end of the table if you wish to address the committee.

STATEMENT OF MR. MARSHAL CUSHING, SECRETARY OF THE NATIONAL ASSOCIATION OF MANUFACTURERS.

Mr. Chairman and gentlemen, we expected that the advocates of this bill would present arguments to-day in its favor, understanding that it was a totally new bill, and that the committee was new and would naturally be interested to hear arguments in favor of the bill, as well as arguments against it.

Mr. Moore and myself are here as lookers on and listeners simply to-day. We should like opportunity later on to produce witnesses against a favorable report on the bill. We should only be too glad to accommodate the committee with reference to later days. Next week, Thursday, if that is a regular meeting day, we will be on hand with our witnesses.

The CHAIRMAN. You are not prepared, then, to go on this morning?

Mr. CUSHING. No, sir.

Mr. GOEBEL. Speaking for myself only, Mr. Chairman, I am a new Member of Congress and a new member of this committee. It is true that I can read the records of the proceedings of the former committee, but the whole subject is new to me, and I would like to hear a discussion on both sides, and a full discussion, and I think opportunity ought to be given to both sides, if they are not ready to-day, then some other day. This is an important matter, and it is one that I would like to be informed upon in order that I might make up my mind as to what is right in the premises. It seems to me that there may be some new things presented for the enlightenment of this committee outside of the testimony that was taken before. Therefore, I would suggest that we hear both sides and give every opportunity for a full hearing at such times as may be suitable and convenient to both sides.

The CHAIRMAN. I will say, Judge, that it has always been our practice to hear both sides, and, further, that the opposition has generally been presented first and then answers to the opposition.

Mr. GOEBEL. Of course that is a mere method of procedure. I do not care how you proceed—whether the opposition is to be heard first or those who favor the bill are heard first—that is immaterial so long as there is a full discussion on both sides.

Mr. GILBERT. About how many days were consumed in the former hearings?

The CHAIRMAN. The committee took the bill up on the 15th of February and discussed it. I think, until the 9th of March, which was the day set for the closing of the hearings, and, if I remember rightly, extended them a week longer. I could not tell without referring to the record just how many days were consumed in the hearings, because I know some days we sat all day and at other times we met on Thursday and had a hearing and then had another hearing the next day.

Mr. GILBERT. It is not proposed to go over all the same line of testimony again, is it?

The CHAIRMAN. I do not know. I suppose that so much of the testimony already taken, appearing in the record, which is considered to be pertinent, might be extracted and embodied in these present hearings.

Mr. GOEBEL. I think that would be the proper thing to do.

Mr. GILBERT. Somebody ought to summarize that testimony.

Mr. HUGHES. Was it not understood in the last meeting that the proponents or the opponents of the bill were to proceed with their testimony on February 4?

The CHAIRMAN. It was decided at that meeting that we would begin the hearings at this time (February 4), and the chairman was instructed to give out

notice to that effect, and such information was given to the Associated Press. To what extent that has been published I do not know. I will say to the committee right here that it is quite possible that some people who are very much interested in this matter probably should have been written to or notified, who have not been so notified. It has not suited Congress in its wisdom up to this time to give to this committee more than a session clerkship, and so at the adjournment of the Congress the committee has no clerk, and the law takes away my clerk at the end of a session, and busy as I am with the Post-Office Committee and with 24,000 labor unions, with whom I have had correspondence, it has simply been an impossibility with the organization allowed this committee to do the work required of it; but we do the best we can.

Mr. HUGHES. If I remember, there was some effort made about two weeks ago to have the hearings commence then, and there were purely formal objections put in, and the understanding was that on February 4 the committee would get down to work.

Mr. McCAMMON. I received no such notice, and I probably was as much entitled to a notice as anyone interested in this proposed legislation. I simply received a notice that there would be a meeting on the 4th of February—a meeting of the committee.

The CHAIRMAN. I do not know that you have filed a protest against the bill, and if not, that may account for your not receiving any notice. We have not had any written replies to communications we have not received.

Mr. McCAMMON. I received a notice of the meeting, and I thank the secretary for that.

Mr. HUGHES. Are there not any of the opponents of the bill here who are ready to go on and take up some of the time?

The CHAIRMAN. Are there no representatives of any organization here ready to go on this morning?

STATEMENT OF MR. DANIEL DAVENPORT, OF BRIDGEPORT, CONN.

Mr. Chairman, I am an attorney at law, practicing at Bridgeport, Conn. I represent an organization with a various and numerous membership in different parts of the country. Over a hundred of them are in Connecticut. I will say that the membership is private. The organization is formed for the purpose of aiding in the enforcement of laws, particularly the law against boycotting, and those members look upon this bill as an attempt to boycott every concern in this country which is not willing to arrange its affairs according to certain requirements that they find impossible. Those members will be unable to enter into competition. In other words, it is an attempt by law to boycott those establishments.

I came down here to-day for the purpose of expressing to this committee the opposition of that organization and its members, and for the purpose of giving to this committee information to show you how the employers of this country are opposed to this bill, and, further, information that the individual workmen of this country are bitterly opposed to this bill.

It so happens, Mr. Chairman, that when this movement that I speak of started I was requested to go out over the country for the purpose of interviewing employers, manufacturers, for the purpose of interesting them in that movement, and it has fallen to my lot to visit probably several thousand establishments; and I have come in contact with the managers of those associations, and I have made it my business, as far as I could, to go into their works and talk with the men to see whether or not they believed in any such measure as this, and I am prepared at a suitable time to lay before this committee the information which I have obtained. A greater mistake was never made in the world than to suppose that the workmen of this country are in favor of any measure which will deprive a man who may be off to-day on account of sickness or any other thing from making up that time. If you limit him to eight hours a day, six days in the week, I say that when the matter is explained to the individual workman he is opposed to it.

I have also the information to impart to the committee in regard to the attitude of the employers on the subject, which I have also gathered. I am a little surprised to learn, however, that opposition is made here to a bill first—that is, that the opponents of a measure are first heard. I supposed that the sensible and ordinary way of getting at it would be first to hear what is said in favor of a bill. Perhaps after what has been said in favor of it has been heard the committee might not think it was deserving enough to require any answer. It



seems that the practice has been rather to put the cart before the horse here and to require those who oppose a bill to advance arguments why it should not be passed, in order that they may be met.

Now, if the programme—

The CHAIRMAN. Pardon me. Is that not a very general practice in legislative proceedings—that gentlemen come before committees to be heard on a bill in protest?

Mr. DAVENPORT. My experience in that regard is very limited. I have had no other practice than that before the legislative committees in Connecticut, and there we pursue the other course. But so far as that is concerned, that is immaterial. If the opponents are to go ahead, then at the proper time I would like to present to the committee reasons why this bill ought not to be passed, as I have gathered them from the extremely intelligent gentlemen who represent these great establishments, and as I have gathered them also from the workingmen themselves.

How late does the committee sit to-day, Mr. Chairman?

The CHAIRMAN. The usual time for adjournment is 12 o'clock, but I do not know that our presence is required in the House, and perhaps the committee could go on for several hours.

Mr. DAVENPORT. If the matter is to go over for a week I will ask the privilege of being heard. Of course I know there are other gentlemen who wish to be heard, I know there are great interests represented here, and of course the committee will accord to all a hearing adequate to the importance of the questions involved. I would prefer, so far as I am concerned, for those I represent, if an opportunity could be given to me a week from to-day, say, for an hour and a half, to lay before you what information I have, as well as something in the way of argument.

The CHAIRMAN. Without objection, the hearing of Mr. Davenport can be made a special order for next Thursday morning at 10.30 o'clock.

Mr. CALDWELL. Do you expect to have both employers and employed here next Thursday?

Mr. DAVENPORT. No, sir; I expect myself to be a witness. I propose to state to this committee what I know about this business, and I would say it would take an hour and a half for me to do so. And I would solicit the opportunity, on account of my other engagements, of being heard—if no one else wants to be heard—at that particular hour.

Mr. CALDWELL. In addition to your argument against the bill, do you propose to have persons here representative both of labor and the employers of labor as witnesses?

Mr. DAVENPORT. No, sir.

Mr. CALDWELL. Simply your own statement against the bill?

Mr. DAVENPORT. Yes, sir.

Mr. McCAMON. Your own statement based on your own experience and investigations?

Mr. DAVENPORT. Yes, sir; absolutely. If this committee would undertake to do what I have done this bill would never see the light of day from this committee. The so-called representatives of the laboring class here are no more representative of them than light is of darkness.

Mr. GOMPERS. You can readily understand the bona fide character of the gentleman's clients when he will not even bring any of them here.

So far as we are concerned, myself included, we who favor the passage of the bill, we have at no time failed to produce men who could testify of their own knowledge, and of their own ability to work, men who have worked and who were working at the particular trade they testified about, and who were experts at their trades. Of course, when a man comes here and in some mysterious fashion says that he represents a body of men whose membership is private and whose names I doubt he will give to your committee—that is one side of the case. On the other hand, we come here representing more than 2,000,000 organized workmen and 24,000 local unions, of which the chairman spoke a few moments ago in connection with another matter, whose names and addresses are published broadcast throughout the country, whose names we give to you gentlemen.

Let me say, further, gentlemen, that there has not been a gathering of 25 workmen in the United States at any place within the past fifty years who have had under consideration the question of the hours of daily labor but who have gone on record unqualifiedly in favor of an eight-hour workday. These are the men I represent. Whom does this gentleman represent? He may represent a number of employers of labor, of respectability and eminence, but whose exist-

ence is private; and what he may say as to the views of workmen whom he has interviewed as the representative of that private organization of employers—well, you can very well imagine what an individual workman would say to this attorney of the employers' association, whose existence is private.

Mr. GOEBEL. Do you not think that may be a good argument after it is heard?

Mr. GOMPERS. But he has made the statement—

Mr. GOEBEL. I understand he simply says now that he desires to make a statement. The question before this committee now, I submit, is in what order we shall proceed.

Mr. GOMPERS. But if our honor is impugned I think we ought to have an opportunity to be heard.

Mr. HUGHES. The statement was made that Mr. Gompers does not represent the workmen of this country.

Mr. GOMPERS. And I am simply trying to show, in answer to that, the relative positions that the gentleman occupies and that we occupy before this committee.

The CHAIRMAN. Without objection, the special order for next Thursday is the hearing of Mr. Davenport at 10.30 o'clock. He will be given one hour and a half.

Mr. CONNER. I understand, Mr. Davenport, that you will have no representatives here from the manufacturers, or from among the workmen either, at that time?

Mr. DAVENPORT. No, sir.

Mr. CONNER. In what way will you convey to us the protest that the laborers themselves make to this bill?

Mr. DAVENPORT. I am going to give you the information which I myself have. Now, then, gentlemen, if it were an issue between myself and Mr. Gompers, as to whether our statements are correct or not, if this committee will undertake by subpoena to get the attendance of these people here it will be very easily determined; but, of course, what I say the committee can take and give what weight it chooses to, and what Mr. Gompers says it can take and give what weight it chooses to. What I did say was that if the members of this committee had gone around this country and interviewed the establishments, as it was my opportunity and my duty to do, they would get a very different idea in regard to this thing than perhaps they would get otherwise. So far as an imputation here of Mr. Gompers is concerned, I would like to ask. Are these intimations ordinary and common in hearings of this kind? Mr. Gompers no doubt thinks he does represent the great working people of this country—

Mr. GOEBEL. I submit, with all due deference—

The CHAIRMAN. The question was asked a while ago as to how much time was given on this bill in the last Congress. The clerk has looked up the record.

On February 13 we began the hearings, and sat about all day. We had hearings on the 20th, 26th, and then on March 6, March 13, and March 18, both morning and afternoon sessions on the two last dates mentioned, and closed up the work. So hearings were held on six different days, and the time consumed was equivalent to nine or ten ordinary sessions.

Mr. SPALDING. I have read very carefully the hearings before the last Congress, and in reading them over I was impressed very strongly with what seemed to be one fact or condition—and I am more impressed with it this morning—and that is that a great part of the time was taken up with criminations and recriminations, which were entirely useless and out of place. Now, I have other business to perform and other duties, and I think all of us here have. I want individually to give this matter the fullest and most careful and candid consideration, but I do not want to spend a great deal of time here that is utterly useless, and it seems to me that when either side starts out on these charges and recharges the speakers should be called down, and if they do not desist then, that they should not be heard further.

The CHAIRMAN. There has been too much of that.

Mr. CALDWELL. Is it not a fact that we defined a difference between hearings and arguments, and that we gave a certain amount of time for argument for and against the bill at the close of the hearings in addition to the hearing of witnesses, and were not all those arguments at the close of the hearing?

The CHAIRMAN. We had arguments on what was called the testimony, yes. The fact is, however, that most of the hearings were arguments, and then there were arguments on the arguments.

Mr. CALDWELL. We had a great many men here who occupied something of the same position that Mr. Davenport occupies; we heard a great many statements

from both sides, and then we heard arguments as to what weight should be given to the different testimony.

Mr. CONNOR. I understand that Mr. Davenport comes here as a witness.

Mr. CALDWELL. I understand he is to make an argument.

Mr. CONNOR. He comes here to testify as to what he has discovered.

Mr. HUGHES. That is hardly testimony.

Mr. CONNOR. I am wondering how he can convey to us the conditions he has found without bringing any witnesses here. Are we to learn about this on written information, Mr. Davenport, or are we to take your statement?

Mr. DAVENPORT. You are to take my statement as to the facts.

Mr. GOEBEL. I think the suggestion of my friend on the right (Mr. Gilbert) was a good one, namely, that some one should go through the printed record of testimony, as heretofore taken by the committee, and make extracts from that testimony. Let both sides take that record and go through it and then present that to the committee. We will gain something in that way, and then if there is any additional evidence on either side let it be presented. It seems to me that would facilitate the matter, and in that way we will not go over things we have gone over before.

Mr. HUGHES. That was the very thing we were driving at the last time this bill was up before this committee. The evidence had been put in and every argument for and against the bill was in writing, and it was assumed that the members of the committee would make themselves familiar with that; and, as I understand it, the object of the committee then was to have the opponents of this measure come forward and advance anything new that might be pertinent to this particular bill, or that they might have discovered since the last hearing.

Mr. BARTHOLDT. Mr. Chairman, I would suggest that any argument among the committee as to the bill should be made in executive session.

The CHAIRMAN. Yes; of course that comes at the close of the hearing on the bill. As Mr. Hughes has said, it was understood that each member would familiarize himself with the testimony offered, but members familiarizing themselves with the record of the previous Congress and having it before them in this Congress, and having it before them so as to go into the record at this time, is another thing. The only way to get the hearings of previous Congresses in the record is to extract and summarize such portions as it is desired to have put in.

Mr. GILBERT. So as to get the benefit of all the testimony offered before on each side and avoid the necessity of rehashing that testimony—

The CHAIRMAN. Yes.

Mr. CALDWELL. You scarcely mean all the testimony; you mean such testimony as those in favor of the bill and those opposed to the bill deem is important?

Mr. GILBERT. Yes, sir.

Mr. BARTHOLDT. I believe the committee has decided to hear Mr. Davenport next Thursday?

The CHAIRMAN. Yes.

Mr. BARTHOLDT. If there is no one else present who wants to go on this morning I move that the committee go into executive session.

Mr. DU BRUL. Mr. Chairman—

The CHAIRMAN. Please give your name.

Mr. DU BRUL. Du Brul. I am representing the National Metal Trades Association, which has never appeared here.

I wrote to the committee and asked whether it would be possible to set aside half a day, say, to hear from the members of our association. Our association is comprised of manufacturers. A great many of them are engaged in Government work and this bill affects their interests very seriously. I would like to have half a day to be heard, and if it is decided that Mr. Davenport will take next Thursday, I would like to know what day it would be convenient to the committee to hear me. I received no reply from the committee from that letter except that the matter would be decided to-day—that a meeting would be held to-day. It was so indefinite that I did not go ahead and arrange to have anyone here to-day. As I have said, we would like to have some time, probably half a day, say, a week from next Thursday, if that is convenient. We would like you to hear from men who are engaged in Government work, so that the committee can get information directly at first hand, and we will have an argument to submit based on that testimony.

Mr. GOEBEL. You want a day a week from next Thursday?

Mr. DU BRUL. Yes, sir.

Mr. CALDWELL. Where are your headquarters?

Mr. DU BRUL. Cincinnati.

Mr. GILBERT. It seems to me we will have to have a meeting oftener than once a week, Mr. Chairman, in order to hear all those who wish to be heard.

The CHAIRMAN. I think probably we will have to have more frequent meetings, yes; that has been our custom before.

I will say to the gentleman that I could not comply with his request to fix a day for a hearing, because the committee has to determine that itself. And also, if you will recollect, two weeks ago the suggestion was made here, and I think it was understood, that the representatives of the two sides would submit schedules of what hearings they wanted, and that with that schedule before it the committee would have to determine dates, and I made as much publication of that as possible; but I could get nothing before us in the form of a schedule or information so that we could intelligently fix a schedule, and my experience is that you never do get it, so you can fix dates, until the hearings have begun.

Mr. DU BRUL. I would anticipate having at least four or five witnesses here.

The CHAIRMAN. Well, will you be here one week from Thursday?

Mr. DU BRUL. That is two weeks from to-day?

The CHAIRMAN. Yes, sir.

Mr. DU BRUL. Yes; that would suit me very well.

Mr. SCHULTEIS. Mr. Chairman, on behalf of the national legislative committee of the Knights of Labor, of which I am chairman, I wish to state that we have been before this committee ever since 1868 on this eight-hour proposition, and we will only require about one hour of time, and we would like it as soon as possible.

Mr. GOEBEL. What time would you like it?

Mr. SCHULTEIS. At your earliest convenience.

Mr. GOEBEL. Have you any day to suggest?

Mr. SCHULTEIS. If agreeable I can go on to-day.

The CHAIRMAN. Could you not be heard two weeks from to-day, along with Mr. Du Brul?

Mr. SCHULTEIS. That would be very agreeable.

Mr. BARTHOLOMT. Can we not hear the gentleman next Thursday?

The CHAIRMAN. We have two gentlemen to be heard next Thursday—the National Manufacturers' Association and Mr. Davenport.

Would it be practicable at this time, Judge McCammon, or Mr. Davenport, to get the construction of the opposition of this bill in the record in regard to the effect of some changes which the Senate has made? The bill considered last year read:

"Nothing in this act shall apply to contracts for transportation," and so on, "whether made to conform to particular specifications or not."

Now, right there the Senate has thrown in an amendment "or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not."

What does that remove from the bill, or what will it be contended is still in the bill in that particular, or are the opponents yet unprepared to put in the record their construction?

A MEMBER. What page is that?

The CHAIRMAN. Page 3, beginning at line 6. This amendment will be found in lines 10, 11, and 12; that is, the amendment of the Senate.

Mr. McCAMMON. Without desiring to reopen the controversy I will say that the question by the chairman only illustrates what some of the opponents contend—that the friends of the bill should explain exactly what the bill does mean. As to the particular legal definition of those particular words I am not prepared to say.

The CHAIRMAN. The friends of the bill did not put those words in.

Mr. McCAMMON. It has been suggested, however, that the Government might want to purchase supplies in time of emergency, "whether manufactured to conform to particular specifications or not," and it is true, I can well see, that some persons could contend that a ship of war is a supply and, therefore, is excepted from the provisions of this bill.

But really, Mr. Chairman, I do not feel as if I was prepared to go any further than that.

The CHAIRMAN. I think that there is nothing more that we can accomplish this morning, then.

Thereupon, at 11.45, the committee adjourned until Thursday, February 11, 1904, at 10.30 o'clock a. m.

## STATEMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. Chairman and gentlemen, at the outset I desire to thank you for the courtesy in giving me a few minutes to submit a few remarks in response to the statements and argument made by Mr. Davenport.

It was not my good fortune to be able to be here when he opened his remarks, but I am advised that he read off a list of names of persons and organizations who are Socialists, and who are standing behind this bill, and that he, both by direct statement and by insinuation, endeavored to convey to the committee the notion that the whole proposition is of a socialistic character and that the Socialists, whoever they are, are behind this bill trying to push it to a passage.

It may not be uninteresting to say, first, that for more than fifteen years the subject-matter of committing the American labor movement to socialism has been rejected, and that at no time so overwhelmingly rejected as at the last meeting of the American Federation of Labor, held in Boston in November of last year. I might say, further, in refutation of the insinuation he made, that if the Socialists had their way they would not be pressing this bill; that the bill would not even be pressed to your attention.

Whether intentionally or otherwise, as a matter of fact it is such as Mr. Davenport who creates socialism.

Mr. DAVENPORT. I merely read the declaration of the principles of the several unions, taken from the Industrial Commission's report. But is it not true, Mr. Gompers, that the action of the American Federation of Labor last November was simply that they would not take this thing into politics and have a socialistic labor party, and that the doctrines that underlie the several organizations are not condemned by the American Federation of Labor in convention assembled?

Mr. GOMPERS. The convention of the American Federation of Labor did not condemn the constitution of any organization, any more than it would condemn the absurdity of any individual. We do not think that we are called upon to do that.

The several propositions aiming to commit the American Federation of Labor, politically or otherwise, were reported upon unfavorably and the unfavorable report was overwhelmingly adopted, despite the misrepresentations of the manufacturers' associations and their representatives and the private employers' association and their attorneys.

During the hearing last week, or the discussion as to setting the time for hearings, one of the honorable members of the committee took occasion to say that he had read the reports of the last few Congresses, and they were considerably made up of criminations and recriminations. I entirely agree with that criticism, but I submit that if we, as the representatives of organized labor, the advocates of this bill, are compelled to sit here and listen to our associates and our friends and ourselves being referred to as blatherskites and advocates of crimes and disorders and violators of law we have a right to resent it and to show how utterly audacious are the remarks, and how unfounded they are and how unrepresentative of the truth are the men who make them.

Mr. SPAULDING. My remarks did not apply to you any more than they did to the others.

Mr. GOMPERS. I understand that, sir; but not at one hearing before this committee or any other committee have these criminations begun on our part; we simply have had to meet them. But I presume that the ears of public men have become so attuned to abuse of labor men that they allow these abusive epithets and insinuations to go by unanswered. We propose to resent them whenever we hear them directly or indirectly, and no matter from whom they come.

Mr. HUGHES. I do not think that any member of the committee would have permitted that epithet to be applied to any of you gentlemen. Speaking for myself, I do not think it was intended for you; I think it was merely an illustrative remark.

Mr. GOMPERS. Mr. Hughes, I want no immunity conceded to me that I will not insist upon for other honorable men connected with our movement. The last speaker a few moments ago referred to the blatherskite, using the word as describing the typical man of the labor movement—the blatherskite of the labor union. He did not use the word as applying to any one particular person, but to a type, and indicated the idea that the men who speak in favor of labor are of that type.

Mr. HUGHES. I did not so understand him.

Mr. GOMPERS. Yes, gentlemen, that is the fact. We hear these things so often, as I have said, that we pass them by; we do not pay particular attention to them. However, in the few minutes I have, if I have your permission, I should like to address myself to a few points made by the gentleman who has just spoken, Mr. Davenport.

He confuses the mixture of the organization of labor with crime; I do not believe that it is possible for him to disassociate the organized effort of wage-earners for their material improvement from violence and crime and lawlessness, when as a matter of fact it is known to every student of sociology, every student of the labor movement, that wherever the organizations of labor are strongest that there the greatest industrial peace obtains.

Mr. Davenport insists that there can not be any fundamental change between the relations of employer and workmen, and that any attempt on that line will lose to the employer the control of the business in which he is engaged; that he can not successfully operate it. He cites the military arm of the Government in support of that statement, where there must be the general and the other officers under him, the various officers in command. Now let me say, in connection with this, that the whole philosophy upon which the first statement is founded is fallacious. So far as the second is in illustration of it, it only bears out the reverse of Mr. Davenport's contention.

Mr. DAVENPORT. Let me say—

Mr. GOMPERS. I did not interrupt you, in spite of your abuse; now I do not want to be interrupted in the course of a statement.

All military authorities agree that, without any particular self-praise of our powers and prowess, there is no soldier equal on the face of the globe to the American soldier, and the reason of it is universally attributed to the fact that the American soldier is a man and possesses individuality. If our friend Davenport's contention is right, if it is right now it would have been right twenty and thirty and fifty years ago, and we would not now have upon the statute books of the Federal Government, or upon any of our State statutes, or upon the statute books of Great Britain, the factory acts that have saved the children, that have saved the women, who before some of them were enacted were working in the mines, stripped to their waists, and doing the work that the mules now do there.

The history of the labor legislation of the factory acts of Great Britain and our several States has produced a number of Mr. Davenports by other names, always interposing objections against any species of legislation of this character tending to lighten the burdens of those who toil. You must bear in mind that Mr. Davenport only incidentally opposes this bill, he is opposed to this entire series or species of legislation, any legislation that can have for its purpose the improvement or the protection of the weaker in the great grinding process of industry—any legislation of that sort, I say, meets with the opposition of the secretary of the private antiboycotting society.

He asks, is it conceivable at all that labor would ask for the enactment of what he is pleased to term this tyrannical bill? He paints a picture of men who may want to work more, longer hours. Last week he called the attention of the committee to the fact that the bill would prohibit a man who was sick one day from working longer hours the next day. If that is the purpose of the bill then I think it is a good thing. I do not believe it is a good thing for a man who is sick one day to be compelled to work extra hours the next day, and if my friend Davenport was very ill one day I do not believe that for his own sake he ought to work more than eight hours the following day.

But is this tyrannical to labor? How absurd! If I understand anything of the purport of language, tyranny means burden, oppression, the imposition of something which is offensive. A law that has for its purpose the provision that a man shall not be permitted to work more than eight hours a day relieves him from burdens and work—relieves him from long hours of work. How, by any conjuring, can that be construed to mean tyranny or burden?

Mr. Davenport can not conceive why these men should want an eight-hour day, should want to limit their hours of labor. Why? asks he. Let me answer by saying because it means more leisure, more rest, more opportunity, as he sarcastically refers to our flowery language, for going to the parks, of having better homes, of reading books, of creating more desires. Certainly he will not deny this fact, that even if we have drawn upon our imagination in thinking that the men will go to the parks and improve their time if they had shorter hours, he can not claim that if they are compelled to work longer hours that that will allow them to go to the parks and improve their opportunities. At

least if their hours of labor are limited to eight hours a day it will give them the opportunity.

A man is the creature of circumstance and opportunity, and if you take away from him the opportunity he can not go to the parks. And we know—not after the experience of a year or two, which our friend Davenport seems to regard as a very long time to get information on this subject, but as the result of the experience of our whole lifetime, that is all—that the more leisure the workmen have the more opportunities they have, and the more they cultivate their minds and improve their education and the better citizens they become. The head manufacturers, to whom he referred, having called in my sociological student for consultation in regard to the outrages which were committed against them, our friend, Mr. Davenport, at once became interested in this subject, and he went forth, and in a year or two he visited thousands upon thousands of factories—all in a year, too. And after this wonderfully large experience he gives us the benefit of the facts he has gathered and his conclusions, and, as I have said, all we have to set against that is our whole lifetime, that is all.

So far as I am personally concerned—and I say it not with vanity, but with considerable pride—I gave twenty-six years of my life working in a factory as an operative, as a wage-earner; not as an employer, not as a superintendent, not as a foreman, but as a wage-earner. Perhaps some might say that that was exactly the position that I should have occupied. I agree with them entirely. They may say that I had not the ability to aspire to anything or obtain anything better. That may be true. It may not be true. I can only say this: That when I was in the factory, and since then, in the past seventeen years, when I have given my entire time to the American labor movement, and helped in the direction of the American organized workers of our country, I have had no aspiration other than the one I now have; that is, to try and help my fellow-workers. I had no ambition to graduate from that class into any other. I did not aspire, when working in the factory, to graduate from that class, and I have no such aspiration now.

Let me answer further as to why wage-earners desire shorter hours of labor: that it is because it is a universal law of industry that a reduction in the hours of labor always brings an increase in wages or an increase in the purchasing power of wages; that the men who work eight hours a day always receive higher pay than the men who work ten or twelve or fourteen hours a day; that among the men who work at wage labor the longest hours a day are those that receive the lowest wages. This is true not only in one industry or two industries; it is a universal law from which there is absolutely no escape. When our friend has a little more experience he may know these things.

He says that he has been a constant friend of labor, and that he never was more a friend of labor than when he appears before this committee and opposes the passage of this bill. All I can answer is that I think his last statement is true. Bearing out his statement, in my judgment, he never was more a friend of labor than he was this morning.

May I say something in connection with this poor hat manufacturer against whom organized labor was doing this very unchristian act of boycotting?

I have been told that he has been boycotted. If I did not boycott him I would, if I had a chance. In the hatting trade 95 to 97 per cent of the manufacturers are in agreement with the hatters of the country. That is, they are in agreement as to wages and to hours and other conditions of employment. The case of the gentleman to whom I believe Mr. Davenport refers was a case in which it was not a question of simply unionizing the establishment. It was a question of this manufacturer conforming to the scale of wages obtaining in the trade, and so that he would not have an unfair advantage with his competitors so far as wages were concerned. This much-abused hat manufacturer was a constant danger to the standard of life, not only of the hatters, but a constant danger to the stability of the trade and a fair opportunity for every manufacturer to be on an equality—an approximate equality, at least, so far as wages were concerned. If there was any advantage in ingenuity, in purchasing, in sale, in manufacture, these were to be the manufacturer's opportunities; but so far as wages were concerned we believe that there always ought to be a minimum living wage below which no employer should require his workmen to toil, and our friend in Danbury, despite the fact that there are, I believe, some 85 manufacturers there—

Mr. DAVENPORT. I think there are 190 manufacturers in this country, and all but 12 of them have been bulldozed into what you call agreements with their men. I think there are only 3 that are standing up for the rights of the individuals in Danbury, of whom Mr. Loew is one.

Mr. GOMPERS. I say there are few who have not been "bulldozed" into agreements with the organized hatters, as my friend says. When there is unorganization, when there is no organization among the people in any given trade, you will find that the bulldozing, so called, has gone on in the other side, and the result of it has been that there is confusion in the trade, the greatest dissatisfaction among the employers themselves, and the greatest misery and poverty among the large number of wage-earners employed in the industry, and that which our friend suggests as bulldozing is the constant effort on the part of the men who labor, and some who sympathize with labor a little more and in a little different way than my friend Mr. Davenport does, to help bring about a recognition that there must be a standard of life, a standard of living among the wage-earners in that trade, and below which no employer can drive his workmen, and the man who attempts it is going to meet the encounter that Mr. Loew had to meet—the encounter I am told he has had to meet. But it is the first time I have ever heard an attorney for one of the employers admit that it is hurtful. They usually say that it is a good advertisement.

Mr. DAVENPORT. I quite agree with you that in that case it was very effective and very ruinous.

Mr. GOMPERS. I assure you that I have no tears to shed.

Mr. DAVENPORT. I suppose not, because it is merely carrying out what you preach in your journal.

Mr. GOMPERS. Yes; and what we propose to do. Mr. Davenport, of course, appears here as the representative of an antiboycott association—a private institution, he said—and he went out as an organizer. He says that for good reasons he can not give the names of his clients. I can only say that we do give our credentials; we tell you who we are, and what we are, and whom we represent; by whom we are directed to come here, and to say that there are now 2,000,000—perhaps a little more, but not less than that number—of organized men and women in the American Federation of Labor; there are perhaps a quarter of a million of organized workmen who are not embraced within the American Federation of Labor, such as the Brotherhoods of Railroad Employees, also the Bricklayers and Masons' International Union, who have the eight-hour day or even less hours in some instances, all of whom are in accord with the American Federation of Labor; that all of these are in favor of the eight-hour day, I will venture to say. The employees of Baldwin & Co. are to a considerable extent unorganized. I will venture to say that at a meeting at which my eloquent friend, Mr. Davenport, would address them in opposition to the eight-hour day and some representative of labor would address them in favor of the eight-hour day that a secret ballot after the addresses were made would show a vote practically unanimous in favor of the eight-hour day. Of course, if asked questions by an employer who frowned down organization, or if asked the question by an attorney for a secret employers' society, the chances are that they may want to hold their jobs.

Our friend suggests to you the unwisdom of any of you gentlemen at any time attempting to run for Congress in your districts upon a platform declaring for the eight-hour day. Well, I know of Congressmen who have committed that very offense, and they have come here. I know one thing, that a gentleman, I think, by the name of Hyde, appeared before this committee two years ago in opposition to the eight-hour bill, and he was a candidate for mayor, and when he came back the following week he reported to us that he was defeated for mayor because he opposed the bill. I am not making this assertion on my own authority; the gentleman made the statement here, and I think you will find it in the record.

Mr. Davenport called attention to the legal objections and legal weakness, or the indefensible position, in which the contractor would be placed so far as the Government on the one side and the subcontractor on the other side are concerned. While the point is really a very good one, he must know that that very point that he raised is, as Mr. Goebel pointedly put it, applicable to all the materials and all the supplies of the Government; that if the contractor enters into a contract with the Federal Government for any specific object, or material, or article, and that contractor subcontracted it to another, the same legal question can be raised exactly. The contractors for that reason have not ceased to contract with the Federal Government. They have simply insured themselves undoubtedly in their contracts with subcontractors, stipulating, as has been suggested here, that the findings of the officers as provided by the bill, then in the law, shall govern as between the contractor and the subcontractor. Our friend has built up a great big straw man so he might knock him down.



I can not argue this bill, and I have no right to impose any further upon this committee, except to ask indulgence for a moment or two. I desire to say I have had considerable correspondence with the officers of the Federal Government, with the heads of Departments, in regard to the enforcement of the present eight-hour law. I find that it has not been enforced, and that there is a different rule and a different practice obtaining in various Departments under the same law. I had some correspondence with the Secretary of War who has just retired, and, in regard to the violations of the eight-hour law in West Virginia, in the building of one of the dams there, or several of the dams there, he quotes me an opinion of the Judge-Advocate-General in which he says that the Department is not required to enforce the law; that if there is anyone having complaint to make it is his privilege to go to a district attorney for the Federal Government and to make complaint.

The ACTING CHAIRMAN. This work is being done by contractors?

Mr. GOMPERS. Yes, sir; notwithstanding the fact that the present law makes it an offense, a misdemeanor, for any of the officers or representatives of the Federal Government to permit the violation of the eight-hour law.

Mr. HUGHES. It has been generally ignored since it was passed in 1868, has it not?

Mr. GOMPERS. When the eight-hour resolution was first adopted by Congress it was simply preparatory, and then the heads of Departments reduced the wages of the employees whose hours of labor had been reduced. President Grant issued a proclamation directing that there should be no reduction in wages by reason of the reduction in the hours of labor to eight. With the panic of 1873 there was again a laxity on the part of the officers of the Government in the enforcement of the law.

I wish I had time, gentlemen, and that you had the time and the patience, so that I could give you the history of this bill. I might say that Mr. Davenport does me an honor; that I have no right to claim what he says—that I am the father of this bill—for I am not. The father of the original bill was the honored chairman of this committee. He is absent this morning. Mr. Gardner, of New Jersey, is the one who drew the bill. He had a hearing before the Committee on Labor upon an amendment that we had prepared, and I think before the Fifty-fourth Congress we urged it. It was reported, and during an argument made by Mr. Gardner, or, rather, what appeared to him desultory remarks, he conveyed the thought to the committee and to Mr. Furuseth and myself that he was with us, and that was just about the close of the Congress—very shortly before the close of that Congress. At the subsequent Congress Mr. Gardner was made chairman of the Committee on Labor, and we gave whatever assistance we could to him, by consultation and otherwise, which improved certain provisions of the bill; but the central idea is his, and I want to pay tribute to what I regard, and what has been regarded by men better qualified than myself to judge, one of the most important ideas—the central idea of the bill—that we have in any legislation in our country.

I may say, Mr. Chairman and gentlemen, that Mr. O'Connell, the vice-president of the American Federation of Labor, is here and expects to be here during the course of these hearings. He is president of the International Association of Machinists, and our legislative committee, Mr. Grimes and Mr. Nelson, will be here; Mr. Furuseth, Mr. Wood, and others. They will from time to time crave your indulgence to be heard in behalf of the bill in my absence. As far as I am concerned, I want to thank you for your courtesy.

Mr. CALDWELL. Before you take your seat, Mr. Gompers, I want to ask you the same question that I asked Mr. Davenport, whether you would be pleased to have this committee appoint a subcommittee to get the views of laboring men who are working by the day's work as to whether or not they are opposed to this bill.

Mr. GOMPERS. I would say that I should favor that ordinarily. I believe that such an investigation would not be amiss; but not pending this bill. This bill has been before the Congress for six years. The bill is in a modified form to-day; it does not go as far as I should like it to go by any means, but it is late now to make an investigation of that character, which would certainly carry over the thing for too long a period. Such an investigation can not be made unless it be comprehensive, to be typical, and to be satisfying. I will venture to say that our friends can not bring 25 men of any class working at wage labor, men of ordinary intelligence and who have worked as wage-workers for ten or fifteen years, who will testify that they are not in favor of a reduction of hours for their daily toil to eight hours per day.

Mr. DAVENPORT. By force of law?

Mr. GOMPERS. First, if they can, by agreement with their employers; and where the Government of the United States enters into it as an employer or as a contractor, by the force of law.

Mr. CALDWELL. In favor of this bill, in other words?

Mr. GOMPERS. Yes.

Mr. CALDWELL. By my question I wanted to know whether you were apprehensive of the result of such a movement, simply as to whether you apprehended as to what the reply of the laboring men would be?

Mr. GOMPERS. No, sir; I say this, gentlemen: Of course among the workingmen of the District of Columbia it would scarcely be a fair test, because there are so many Government employees here and so many who necessarily work but eight hours a day.

Mr. FURUSETH. May I make a suggestion?

Mr. GOMPERS. Yes.

Mr. FURUSETH. Two years ago a test of that description was made in the Midvale Steel Company.

Mr. GOMPERS. The Bethlehem Steel Company.

Mr. FURUSETH. Yes; the Bethlehem Steel Company.

Mr. GOMPERS. I might say that two years ago I was invited to deliver a lecture before the Lehigh University, which was a noonday lecture. The local labor men in Bethlehem arranged for a mass meeting to consider the question of the immigration laws, and knowing that I was to be there during the day sent a committee to ask me whether I would deliver an address to the meeting. I consented and delivered an address, and in the body of the hall a gentleman arose after the address and made remarks something like this: "It has been asserted for us, the Bethlehem iron and steel workers, that we are not in favor of the eight-hour day. First let me say that there are quite a number of us who do work eight hours a day, and next, those who do not work eight hours want eight hours. There are quite a number of men here who are employees of the Bethlehem works, and I offer this resolution as expressive of their and my sentiments."

He offered a preamble and resolution favoring the bill under consideration, and they were unanimously passed. You will find that in the record—

Mr. McCAMMON. With an answer to the allegations set up by Mr. Gompers?

Mr. GOMPERS. Does Judge McCammon intend to state or insinuate that my remarks just now are not true?

Mr. McCAMMON. I have no such idea, nor did I convey such an idea. I said the answer will be found there in the record. Always with a chip on your shoulder; always want to precipitate a fight of some kind.

Mr. GOMPERS. No; I understand the Judge better than he thinks I do. I understand that there is a Member of Congress who, no matter what other Member of Congress may arise to make a speech, no matter how impressive the occasion, will always get up for no other purpose than to ask a question, in order to be in every speech that is printed. There are some men who will not miss the opportunity to say something to convey the opposite of what is conveyed when an argument is made, and when there is a question up and an assertion made, who will always attempt to show that the assertion is not true. If I had not asked the question of the Judge the record would simply have shown that my statement has been denied.

Mr. McCAMMON. I did not say denied; I said answered.

Mr. GOMPERS. The gentleman has again interrupted me for the same purpose to say that it was answered. I know what the statement is that the gentleman has in mind. It is a statement made before this committee that a certain officer of the company had a stenographer present to take the names of those who were present. That was denied; that was answered. We could not disprove the answer and courteously accepted it as an answer to the statement that I made here to this committee. So far as the mass meeting of a large number of the Bethlehem Company's employees is concerned, that was not answered. Judge McCammon knows that it was not answered.

The CHAIRMAN. Have you anything further to say?

Mr. GOMPERS. No, sir; I had already concluded when our friend, Mr. Caldwell, asked me the question, and necessarily I answered it.

Thereupon, at 1.20 o'clock, the committee adjourned until Thursday, February 18, 1904, at 10.30 o'clock a. m.

ARGUMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. GOMPERS. Mr. Chairman and gentlemen of the committee, for fully twenty years the effort has been made to secure an extension of the first action of Congress in regard to the subject of the eight-hour law. It is peculiar that the advocates of this bill are met by an opposition from those of the employers who have come here and declared that the bill is too radical and too far-reaching, having its ramifications no one, as they say, can tell where; and, on the other hand, are confronted by some friends, who say to us that the bill does not go far enough and means very little.

The first bill that was introduced having for its purpose the extension of the eight-hour law to laborers working for contractors and subcontractors was intended to fully and specifically provide for those workmen whom we believed, and whom we had a right to believe, were included in the law of 1892.

You will have noticed that the various opinions and decisions, both of the Attorneys-General of the United States and of the courts, upon the eight-hour law of 1892 have restricted the meaning of that law. The purpose of the bill was to show effectively what was intended by the law of 1892, and with time we have sought to extend it to the contractors and subcontractors doing work for the Government.

We have asked Congress for the past eight years to enact a bill of this character. The bill has been changed, particularly, by its modifying features. No opponent of the bill will attempt to say that its features have been extended from the time that it was first introduced in the Fifty-ninth Congress, at which time it was opposed by Judge McCammon and Judge Payson, up to the bill that is now before this committee.

Let me say, gentlemen, that some of the statements made by the opposition have foundation in fact, particularly those in which they say that the purpose of this bill is to influence the industries of the country to come at the earliest possible date upon an eight-hour basis. That is one of the primary features and purposes that we have in view. We know that the enactment of this bill by Congress will have a tendency to extend the eight-hour day.

It will extend it first to those particular workmen employed by contractors and subcontractors under the provisions of the law, and it will demonstrate to the employers who are operating under the eight-hour law the wisdom and the economy of that provision. It will encourage the workmen, who will see the material, the moral, and social advantages that come from it.

The opponents to this bill occupy a very peculiar position. Take their arguments and statements that have been submitted before this committee and before the Senate Committee on Education and Labor, and you can make a mental rag carpet out of them. There are scarcely two of them who agree upon the same thesis, except that they are united in opposition to this measure.

Mr. HAYDEN. That is because it means trouble.

Mr. GOMPERS. No; it does not mean that. It is simply because you are at sea mentally, and because you are at fault economically, and you know nothing of the history of industry.

When I say "you," I do not mean in the particular person, but I am speaking of the aggregated opposition. One urges eloquently that the enactment of this bill would mean industrial ruin, because, as he says, it would lessen production, increase the cost of production; that wages would increase by reason of the reduction in the hours of labor to eight.

On the other hand, a gentleman comes to you and hysterically declares that he represents "all labor," and probably he imagines that he occupies the position of the lion who has eaten the lamb, and therefore represents the lamb [laughter], and in the interest of "all labor" cries out in protest against the enactment of this bill because, as he says, the workmen do not want it; that it infringes upon their liberty; that it invades their rights; that it curtails their earning power; because, he says, with a peculiar philosophy, the more they work the more they will earn; the longer hours they work the more wages they will earn. If that position be true, pray how can wages increase by a reduction in the hours of labor? Certainly on either one or the other horn of the dilemma are our opponents impaled.

I shall endeavor to address myself to that feature just a little later; but I want to call your attention to one of the petitions that was handed in here by one of the boards of trade, that of the manufacturers of Trenton, among whom, by the way, I find quite a number who are large employers of labor and who are

operating almost universally under the eight-hour day, although some operate nine hours.

You will have noticed, I suppose, that the gentlemen who have appeared before you in opposition to this bill have all of them come from towns representing the "largest and most varied industries of all the country."

New Jersey has not only been very great in her industries, but she has also been great in her combinations of industry. She has not only produced great industries, but great trusts, and she has produced some other great works. She has produced some great Congressmen.

Mr. HUGHES. Present company excepted, I suppose.

Mr. GOMPERS. The chairman of the committee is not here, and I do not want to except him. And in passing I may say that the compliment which our opponents desire to pay me are entirely undeserved. This bill ought not to be known as the Gompers Eight Hour Bill. I think, and I know, that the honor rightfully belongs to the chairman of this committee, the Hon. John J. Gardner, of New Jersey.

That means not simply the bill under consideration, but the essence of the bill, the fundamental feature of the bill; for to his lasting credit I want to say that it was he who gave to the representatives of labor, as well as to the Committee on Labor, of which he was then a member, the thought of placing, as a feature in the contracts of the Government with the contractors, the means by which the eight-hour law could be enforced and the purpose of the eight-hour law could be extended. For that reason I want to have the honor placed where the honor properly belongs.

Mr. GOEBEL. I am glad you have made that statement, because Brother Sulzer was here the other day and he seemed to think that he was entitled to the honor.

Mr. GOMPERS. That bill, containing the fundamental feature in a more extensive form, was founded upon the idea expressed by Mr. Gardner before he was chairman of the Committee on Labor, and I may say—well, I am taking up my time, and I can not go into that now.

You will notice in this petition a statement made by some of the manufacturers of Trenton, in which they say that the enactment of this bill would be a "dangerous and destructive interference, financially," not only from the adoption of the bill, but even from "a partially favorable consideration of the bill before you."

In other words, if the members of this committee and Congress should simply squint at the law it would mean financial destruction of the industries.

They speak of the requirement of a week's process in some instances in the preparation of material which must be continuous. I wonder whether these gentlemen intended to convey to the committee the idea that it was necessary for men to be in continuous charge of a machine, or work at a machine, or at a given product, for a whole week. If they do not mean that, they indicate then that, after the expiration of the nine or ten hours' work, these men can leave and others take charge of it, and I submit that there can be no arbitrary time set when it would be dangerous to leave a product, and another time arbitrarily set when it would be less dangerous to leave it. In other words, if, at the end of ten hours a change of men in charge of a process of work occurs and the process still goes on, and another takes charge without detriment to the machine, or the process, or the product, no man can impose upon the intelligence of this committee and say that it would be detrimental, or injurious, or dangerous to the process or to the product if the change occurred at the end of an eight-hour workday.

They charge that this bill is "injurious, impractical, non-American, and anarchistic." I should imagine that if such flagrant and flippant terms and such epithets are to be applied to honored Congressmen, to the members of the Committee on Labor of three past Congresses, and to the members of the House of Representatives who have upon three different occasions passed this bill, with features in it broader than those of the present bill, we can afford to rest under the imputation when coming from such a thoughtless source.

They speak of the "eight-hour day, which means a ten-hour wage;" and yet in the second sentence after that statement they argue that the enactment of that law would make "the life of the man who desires to labor and accumulate as uncomfortable as it must in time prove unremunerative."

You will observe that in the first part they claim that it would mean an eight-hour workday, "which means a ten-hour wage," and, about twenty lines after, they say that the eight-hour workday would prove uncomfortable and unremunerative.

They say that "We are unalterably opposed to the eight-hour bill."

Gentlemen, I do not know why they should be opposed to it, for it can not be, as they allege, and as others have alleged, that it would destroy industries and ruin them financially. They say as follows: "The cost of manufacture can not be advanced without the loss of these foreign markets, which in turn might deprive them"—meaning the workmen—"of employment."

Now mark you this. We were met by our opponents years ago when we advocated the eight-hour rule, with the statement that "We are building up, and we want to build up our foreign markets. Do not hamper us with eight-hour laws." Now, that they have built up their foreign markets they say: "We have built up our foreign markets now; we have got them built up; do not reduce the hours of labor for fear we will lose the foreign markets."

But the hours of labor of our workmen have been reduced within the past twenty years. Many industries have gone upon the nine-hour basis, and a large number upon the eight-hour basis. Have our foreign markets been reduced or hurt? Wages have increased. Have we failed in building up our foreign markets? Let us see.

I have here before me a Statistical Abstract of the United States, 1903, twenty-sixth number, issued by the Department of Commerce and Labor, and only just made public, in which a table of figures is prepared showing the total exports of the United States from 1893 to 1903, inclusive.

The total exports were:

In 1893	\$376, 108, 781
In 1894	825, 102, 248
In 1895	824, 860, 136
In 1896	1, 005, 837, 241
In 1897	1, 099, 700, 045
In 1898	1, 255, 546, 266
In 1899	1, 275, 467, 971
In 1900	1, 477, 946, 118
In 1901	1, 465, 375, 860
In 1902	1, 360, 705, 935
In 1903	1, 484, 681, 995

Showing, gentlemen, that in ten years the exports from the United States increased nearly 100 per cent, and this during a period when wages were higher and the hours of labor of workmen less in the United States than at any time in the history of the country.

As a matter of fact the United States is now the largest exporting country on the face of the globe, and Great Britain is the second. This fact goes to show that only in those countries where the hours of labor are least and where wages are highest is it possible for employers of labor to successfully compete in the markets of the world.

This opposition is either a refusal on the part of men who have become accustomed to accepted conditions to consent to a change, or it is a lamentable want of knowledge and foresight. I do not know an employer on the continent of America who has for any length of time operated his plant under the eight-hour workday who would want to go back to either the nine or the ten hour workday. There have been instances not only in our own country but even in far-off Russia where in a great plant the eight-hour workday has been tried as an experiment, and in every case, when operated fairly and given a thorough, good test for a period of a year or two, the employer has demonstrated beyond question not only its wisdom, but its economy and advantage to all. I challenge the opposition to show at some time (not before a great public gathering, but before a few intelligent gentlemen) one instance where the eight-hour workday has been in operation in any great industry for two years, where the employers went or want to go back to the nine or the ten hour day.

I see my time rushing along, and I have only started what I want to present and what is in my mind to say. I shall therefore have to confine myself to a few statements in preference to arguments.

Mr. SPALDING. May I ask the gentleman a question?

Mr. GOMPERS. Certainly.

Mr. SPALDING. We have heard considerable on the other side about this act being unconstitutional. Are you prepared, or have you anyone who is, to discuss the opposite proposition?

Mr. GOMPERS. We assert that it is constitutional. We believe it is constitutional. We have consulted some of the very best lawyers in the country, who

have declared that it is absolutely constitutional and within the limits and powers of Congress. You will have noticed that we have come before you as laymen. We have brought before you some men who work at their trades, and others who have graduated from the workshop by the suffrage of their fellow-workmen, who have asked them to be their spokesmen and advocates in all matters affecting their interests. We, either fortunately or unfortunately, have not our diplomas on parchment.

Whatever diplomas we have rest upon the good will and the confidence of our fellow-workmen. We are not learned in the law, but we know the matters of industry. There is not a man who has appeared before this honorable committee in support of this measure who has not been employed at his trade from fifteen to more than twenty-five years, myself among them. I have worked at my trade for twenty-six of my fifty-four years of life. We know something about industry. We know what work means. We know what industrial affairs mean. We know the industrial conditions. We know something of economy, and we know something of the principles of government. We know something of the principles of justice; we know something of the sufferings of our people, and we know their aspirations and their hopes. We seek to voice them, and we leave it to the gentlemen in Congress to formulate them into law.

There has never been a proposition before the Congress of the United States, and there has never been a proposition before any of the legislatures of our several States, having for its effect the lifting of one slight burden from the shoulders of labor, that has not been required to run the gantlet of the lawyers who have always flung the Constitution in our faces.

I do not believe and I can not be persuaded into the belief that a beneficial measure that will afford relief to the people of the country can be unconstitutional. Since the Constitution was adopted, gentlemen, a number of changes have occurred, and we have found that at times it was necessary to change the Constitution by amendments. I insist that this bill is constitutional. I believe that it is. I have been assured upon high authority that it is.

Gentlemen, let me say this in connection with that feature. Industry has developed, industrial conditions have changed, and industry can not go backward. You can not turn the wheels of industry to the point they occupied when the Constitution was adopted, and if there be any change which must occur, it must be to conform to the new industrial conditions. For I repeat, the industrial conditions can not be turned back a century and a quarter.

The question of overtime has been discussed, and it has been stated that the men will be deprived of overtime should this law be enacted. When the first movement was begun, before arriving at an agreement with the employers for a shorter workday, the question of overtime was not thought of.

Men very seldom learn except by experience. Soon after, the employer saw the opportunity of increasing the hours of labor by the offer of overtime. The men felt that it was necessary for them to accept it in order not to incur the displeasure of the employers, and they worked overtime. After awhile the overtime was the rule, and the lengthened workday was an accomplished fact. It then became the rule to penalize overtime, and since then the provision for overtime has meant really its limitation, and in many instances its prohibition. It is only to limit it or to prohibit it that the provisions for overtime are made in the agreements of the unions with employers, and it is not, as our opponents would try to convey to you, an indication that the unions favor overtime, or that the workmen do individually.

Mr. GOEBEL. Mr. Gompers, overtime, as I understand, is time over a fixed period of time.

Mr. GOMPERS. Yes, sir.

Mr. GOEBEL. Do I understand you to say that labor unions are opposed to the right of any man to contract for any longer time?

Mr. GOMPERS. They are opposed to a longer workday, brought about by any method.

Mr. GOEBEL. Than an eight-hour day?

Mr. GOMPERS. Yes, sir.

Mr. GOEBEL. But that is not an answer to the question. Do I understand that the laborer would want an infringement of his right to labor longer, if he desired.

Mr. GOMPERS. Let me say this, as an evidence. The craft in which I spent twenty-six years operated very peculiarly; or rather, not so peculiarly after all when one considers their unorganized and chaotic condition. The men worked any time they pleased.

Mr. HUGHES. Nobody infringed upon their rights in those days?

Mr. GOMPERS. Nobody infringed upon their right to work in those days. They worked from early morning until late at night. Nobody infringed upon their right to work. The union said not a word. Very little of a union existed, and that which existed had not taken any action as to the hours of labor. The result of which was that the men in the trade were the worst paid of any craft of which I know. They were the most demoralized, the most unreliable and shiftless set of men of any trade of which I know.

In 1884 the organization, in convention, considered the question of limiting the hours of labor to ten per day. I should say that the proposition for any such matter must come, not by delegate from an organization, but from the organization itself making the proposition—in other words, the essential features of the initiative. The proposition to limit the hours of labor of the members of our organization to ten per day was considered in the convention and adopted, and then a referendum vote was taken of the members.

Two years afterwards we met by the same method, and a proposition to establish the eight-hour workday for the members of our craft was made, discussed, and adopted by the convention, and referred to a referendum vote.

The proposition to reduce the hours of labor from ten to eight was adopted by a much larger majority than the first proposition to limit the hours of labor to ten; the reason of it being that those who worked without interference of any union, or regulation of any kind, had become so accustomed to that "freedom" to swelter and squalor, that they had not intelligence enough to vote in their own interests; but two years of a limitation of their hours of labor to ten per day had so demonstrated its benefits to them that they gladly voted to limit it to eight hours per day; and mark you, gentlemen, this was not an industry paid by the day, where men receive "ten hours' pay for eight hours' work," and all that sort of thing, but it was a trade in which piecework is the universal rule. So that the men presumably reduced their wages by reducing their hours of labor; that is, they did not get ten hours' pay. But they did get higher prices per piece very soon after.

Mr. HUGHES. The cigar makers, as I understand it, Mr. Gompers, are regarded as more nearly approaching ideal conditions than any other craft. Is not that true?

Mr. GOMPERS. I ought to have added that the set of men, whose condition I have attempted to convey to you as prevailing before the limitation of the hours of labor by the organization, are everywhere regarded now as self-respecting, intelligent men and citizens, whose earning power is better to-day than it was during those periods of which I speak, when they were uninterfered with and when they had liberty to work as many hours as they wished. Their organization to-day is most economically conducted and most intelligently administered.

It is almost automatic in character, the initiative and referendum obtaining in it not only in the nomination and election of its officers, but in the adoption of a resolution, the change of a law or the constitution of the organization, etc. As regards the benefits paid, not merely in controversies and in strikes, but also for benevolent and protective purposes, we have expended nigh on \$6,000,000 within the past fifteen years.

Mr. GOEBEL. I do not want to interrupt you, but I am afraid you did not quite get my question. My idea as a legislator is to look at the provisions of the bill that we are to recommend. One of the provisions of this bill will absolutely prohibit a man from working longer than eight hours.

Mr. HUGHES. Except in cases of emergency.

Mr. GOEBEL. Except, of course, in cases of emergency. What I want to know is, whether the interests that you represent desire a limitation of their right to labor longer than eight hours, if by contract it could be made so?

Mr. GOMPERS. I would say that we want the hours of labor reduced, and we want no overtime. We want no man to have even the opportunity of overtime—we put it strongly—unless there be an extraordinary emergency, as already indicated in the provisions of the bill and as already stated by others before this committee.

Let me say, too, in further answer to this question, that in any given industry operated under modern conditions, a man can not find opportunity for overtime. Men are employed for eight hours, and at the end of eight hours other men take their places. If plants operate sixteen or twenty-four hours and have two shifts of men, they change at twelve hours. If the plant operates ten hours a day, they close down at the end of the ten hours, and no man can get a chance to work overtime in any modern industrial plant, even if he wants to.

Mr. GOEBEL. Overtime, as I said before, means time over above a limited time. Let me suppose a case where a contractor having Government work to do would say to his men, "Let us agree here that you work ten hours instead of eight, or nine hours instead of eight." This bill would absolutely prohibit that. It would therefore, of course, infringe upon the inherent right every man has to labor as long as he pleases, and to make such a contract as he pleases, in any operation or any line. What I am trying to get at is, in such an instance or such a case do you contend that they should not have the right to enter into such a contract?

Mr. GOMPERS. Yes, sir.

I think another point upon which the opposition agree is that they want to be let alone. It was almost a piteous plea that they made. They want to be let alone. Some men who have come away from their mother country and who have joined their fortunes with the people of our own, and who in their own country were raising their voices for the same relief and same redress, were met in their own countries by the same cry, "they wanted to be let alone." They come here and enjoy advantages that are, and have been, most fortunate, and now, when the workmen ask for some relief, they, too, join in the cry, "We want to be let alone. We do not ask any special favors from you, but we want to be let alone." They do not ask for any special favors from you except when they want some subsidy or some tariff legislation, or some other kind of legislation. Then they do not want to be let alone, and they do not let you alone.

I am not making an argument against either one or the other at this time. That is not the question; but they want to be let alone. In what? When Great Britain held the colonists in her grip, and France made up her mind to try to help the struggling men who wanted to build a new nation, Great Britain wanted to be let alone. When chattel slavery existed in the South, and the voices of men were raised appealing to God and man for human freedom, the slave master wanted to be let alone. Spain in her grinding of Cuba and other colonies wanted to be let alone from the interference of the great American people. The dog that is gnawing at a bone wants to be let alone. The gourmand wants to be let alone. The modern Moloch who is grinding the very bones of the toilers of to-day wants to be let alone.

I want to say to you, gentlemen, that they will not be let alone. I want to say to the organization of the Manufacturers' Association, who have an unreasonable and unreasoning man or a few men at the head who have no conception of the rights of men or of modern industrial conditions, and to the Antiboycott Association, which has a powerful mind controlling it, whether it has a real or an imaginary existence, to the detective agencies hired to spy, betray, and lie about labor and labor men, the efforts to outlaw the organizations of labor, the efforts to force men who are as honorable, as honored, and as patriotic citizens of this country as any there be, to improper, impractical, or un-American action or expressions will not succeed. You will not make anarchists of American organized workmen. You may make unorganized workmen desperate and make them do the things that may give you the seeming provocation to invoke the prejudices of men, but we have tasted freedom. Men may be kept in servitude and slavery from infancy to the grave and never know what freedom means; but we have tasted freedom through organized and united effort, and you can not make slaves of men who have once tasted freedom. You can not take away from them the freedom that they enjoy through their united effort.

The organizations of labor have reduced the hours of labor, to the advantage of the workmen and without detriment to the employers, and with advantage to the whole community.

It is a mistake to say that production is curbed or reduced when the hours of labor are shortened. The whole history of industry demonstrates the reverse. Even so competent an authority as Mr. Cramp, the head of the Cramp Shipbuilding Company, of Philadelphia, before the Senate Committee on Education and Labor, I think or before the House Committee on Labor—I am not sure which, but the hearings will show—stated that the Russian Government wanted a battle ship built, and asked for bids, and that the French shipbuilders offered to build the ship in five years. Cramp received the contract and built it in thirty months—the words "thirty months" were used by Mr. Cramp—at a lesser cost than the French shipbuilders offered to build it for.

I want to say a word or two—

Mr. GOEBEL. You have heard the charge made that this bill is an invasion of personal liberty and the right of contract. What do you say about that?



Mr. GOMPERS. As a matter of fact, freedom of contract of the individual workman is impaired now. It does not exist, except in theory. The individual workman has not the opportunity to freely contract with his employer in modern industry. The principle involved is the joint bargain between associated workmen and the employer, for labor and the hours of labor, rather than to give the employer the jug-handle advantage of using his accumulated wealth, his position, power, and ability to wait, as against the empty stomach of the workman and the expectant stomachs of his wife and children.

Mr. GOEBEL. Do you claim it is not an invasion of that right, or do you claim the circumstances justify it?

Mr. GOMPERS. I mean to say that that right does not exist, practically and actually. I mean to say that modern industry has robbed the workmen of their industrial individuality. The division, subdivision, and specialization of industry to-day makes it so that a man only performs one insignificant part of the great whole, whether that be a great big machine or a battle ship, a pair of shoes, a coat, a hat, or bread. I am told that in this city the bread industry is divided, by reason of the use of machines, into 8 different branches—in the making of a loaf of bread.

A gentleman forcibly stated some time ago a fact which I think may bear repetition. It was that he favored an eight-hour workday because it was a human advantage as well as a great industrial and social advantage; that if you want to get all the work you could out of a man immediately, the best thing would be perhaps to work him for twenty-four hours, and in two days you would have him "all in," and all out of him that you could get out of him; but if you want to work a man for five or six years, work him about sixteen hours a day; if you want to work him for ten years, work him about eleven hours a day; if you want to work him for about fifteen years, work him ten hours a day or nine hours a day. But when you want the very best that can be gotten out of a man, during the whole great increasing lifetime, work him eight hours.

I have not the statistics with me now, but I might say to you gentlemen that in several of our craft organizations they have proved that the lives of the members of these crafts have been prolonged from five to eight years by reason of the fact of a reduction in the hours of labor. Men have grown in stature by an inch or two by reason of reduction in their hours of labor.

We have been told that lawyers work longer hours than eight, that they work twelve, fourteen, and sixteen hours a day. So they do, at times; but I believe that as a rule the entire legal profession enjoys rather an extended vacation, and that at other periods they have longer hours for recuperation. But in any event, it was stated very fairly yesterday, I think, before the committee, that if more workmen were given the chance they might become lawyers, too, and if lawyers would reduce the hours of their labor there would be more to go around, and perhaps some lawyers might very profitably become bricklayers and earn \$4.50 a day. (Laughter.)

May I say this? I will not occupy more than a few minutes longer. When this bill was first introduced, the miners generally worked, when they did work, ten, twelve, and more hours a day. To-day it is almost the universal rule that miners work eight hours.

Some statement has been made in regard to inspectors who might pass work that was produced in violation of the provisions of this law should it be enacted. I want to call attention to the fact that in California and at other points the inspectors of the seal fisheries have been employed by the Government for a number of years; and every seal, male and female, large and small, is counted and accounted for, and in all the period of years under the operations of the law there has never been a discrepancy of one by even a clerical error.

Some men are so accustomed to deal in money matters, and to measure men and things upon money values, that they can not comprehend that some men are honest, and that some men have a higher regard for duty than mere money.

I realize that the time is up, and I only want to say one word more in conclusion, gentlemen. That is as to the imputation that the men who have appeared here in favor of this bill do not represent the sentiment, the wishes, the hopes, and the wants of labor. If we do not, pray who does? Where do these men get their authority to speak for workmen?

The Members of Congress receive their authority from the untrammelled expression of the voters of their respective districts or States. If there be any who do not participate in the election, it is not their fault. It does not vitiate their credentials to help their districts or States. It is the constant effort of

the men active in the labor movement to secure the largest possible attendance at our meetings, and penalize by fine the absentees.

I know, beyond cavil, that wherever workmen have come together at any gathering of any sort where they were to discuss their own conditions—the conditions of industry—and the hope that they had for anything in the future, they have always been in favor of a reduction of their daily hours of toil. The old National Labor Union had its foundation upon the eight-hour proposition. The Knights of Labor stood for the eight-hour workday.

Every local union of any trade in any part of the country always declared in favor of a shorter workday. Every national or international union in America has stood for the shorter workday; every central body of organized workmen, every State branch of organized workmen, has stood for the shorter workday. The American Federation of Labor has from the time of its inception in 1881 stood for the eight-hour workday.

Soon after its formation it came before Congress and succeeded in having a Senate committee appointed to inquire into the conditions of industry, and I invite your attention to the testimony taken by the Senate Committee on Education and Labor, of which the Hon. Henry W. Blair was chairman, for proof of what I say. There has never been a gathering of workmen anywhere in America that has not declared for the eight-hour day.

Gentlemen of the committee, we ask you to report this bill favorably, and to not only do that, but to press it to enactment before this session of Congress shall adjourn. We have been appealing to Congresses for many years. We have been pleading, asking, urging, and arguing in favor of this measure. We believe it is just; we know it is just; we know it is fair; we know it will result to the advantage of our people. It will impair no vital principle. It will be helpful in the uplifting process of the wageworkers of our country, and you can do nothing that will help them that will not help all our people. The fears that our opponents express are unfounded.

The legal arguments which they hurl against this bill are farfetched, and you will observe that when defeated in one contention they go to another. At the outset it was argued by the secretary of the Anti-Boycott Association that the bill was unconstitutional, because the contractor could not impose a condition upon a subcontractor, a party with whom the Government had no dealing; and when it was pointed out by the committee, first, that it was a condition which now obtained in contracts, and, secondly, that it could be made a feature of the contract, and that the bill specially aimed to reach that point, they come to you with the next contentions this morning. We have tried to take as little as we possibly could of the committee's attention because of the large amount of testimony that had been elicited before the various committees of previous Congresses. We trust that the bill will receive your favorable attention and that we may be in a position to report to our fellow-workmen and to the people generally that we have not again been disappointed. I thank you, gentlemen.

**STATEMENT OF MR. JAMES O'CONNELL, PRESIDENT OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS.**

Mr. O'CONNELL. Mr. Chairman, I am the president of the International Association of Machinists, an organization composed of 75,000 skilled machinists. I am also president of the Federated Metal Trades of North America, an organization composed of the various national organizations engaged in the metal industries, representing approximately about 300,000 men engaged in the metal trades. I am also vice-president of the American Federation of Labor.

In opening up the discussion from the standpoint of those who are favorable to the pending bill, I desire to say, in behalf of the bill, that we are asking the Government to inaugurate a reduction in the hours of labor in its contracting and subcontracting work. We are not asking the Government to be the first to reduce the hours of labor in its work being done by contract, but maintain, in behalf of the bill, that the hours of labor are gradually being reduced in every walk of life where men are engaged in a laboring capacity.

We believe that the Government should go as far and as rapidly in the direction of reducing the hours of labor as do private employers. We believe that the Government should be as good an employer as any private employer; and I speak on the line of industry with which I am thoroughly familiar and not from a technical standpoint, but from a practical standpoint, having spent twenty-five

years as a tradesman in the various machine industries in this country, and having not only practical experience as an officer of a practical skilled organization in this country, but the experience of an investigation made abroad as a representative of organized labor, and am therefore somewhat familiar with the conditions prevailing in the industries in Great Britain. I think I speak on this question from the practical standpoint and represent absolutely and accurately the men to whom this bill is supposed to apply.

Some few years ago, or, to be accurate, in May, 1901, the machinists of this country made a move in the direction of reducing the hours of labor from ten to nine, ten hours being recognized as the regular day's work up until that time. In May, 1901, a strike occurred among the machinists throughout the United States, Canada, and Mexico, in which there were involved approximately 100,000 men. The result of that strike was that the hours of labor during the period of about six months following were reduced for about 100,000 metal-working men.

The tradesmen whom I represent being employed largely by the Government, directly and indirectly, in the manufacture of battle ships and all that goes therewith, both by the Government and by private employers, we feel that we are one of the largest bodies of men directly affected by this bill. We feel that the Government should reduce the hours or make it necessary for those contracting and subcontracting from the Government to reduce the hours of labor as rapidly as do the private contractors themselves. A few of the largest concerns that are contracting from the Government are the shipbuilding yards.

Mr. FOSTER. Will a question interrupt you?

Mr. O'CONNELL. Not at all.

Mr. FOSTER. As the law now is, anyone working for the Government, or anyone working on a straight contract from the Government, can work but eight hours?

Mr. O'CONNELL. Only those working directly for the Government.

Mr. FOSTER. Or for a contractor?

Mr. O'CONNELL. The law does not apply to those working for the contractor. The law only applies, in our trade, for instance, to the men employed at the Washington gun factory, the guns being made by the Government; but at the Bethlehem Steel Works, where the material is furnished for the manufacture of the guns, the men work ten hours or as many hours as the firms desire they shall work, the Bethlehem Steel Works being a direct contractor from the Government.

Mr. FOSTER. But on a battle ship, for instance?

Mr. O'CONNELL. The Cramp shipyard works ten or fifteen hours.

Mr. FOSTER. If they took the contract for the building of a ship for us.

Mr. O'CONNELL. The hours of labor there are practically ten hours.

Mr. HUGHES. Twelve hours, I think it was stated.

Mr. FOSTER. They arranged that?

Mr. O'CONNELL. They arranged that to suit themselves; but the war vessel being built at Brooklyn now by the Government is only worked upon eight hours per day. The Cramp shipyard and the Newport News shipyard are two of the large contracting companies, and these two concerns enjoy—

Mr. FOSTER. Mr. Vreeland tells me public buildings are excepted. That is my mistake.

Mr. O'CONNELL. Public buildings are only excepted in so far as they are put up on the Government property; but the stone in the Government building can be cut at a place off the Government property in a ten or fifteen hour day.

Mr. FOSTER. I was under the impression that if a man took a contract for the construction of a public building, it is provided in the contract that he shall not permit any one to work on that building more than eight hours per day.

Mr. O'CONNELL. That is on the Government property.

Mr. FOSTER. I mean on the construction of the building.

Mr. O'CONNELL. Yes.

Mr. HUGHES. But the stone can be cut on the next lot, and that provision would not apply.

Mr. O'CONNELL. That situation of affairs does not exist in the case of building ships.

Mr. HUGHES. The contractor can cut the stone on the next lot and work ten hours a day.

Mr. FOSTER. I did not know that.

Mr. HUGHES. Yes; the actual contractor. It is a technicality by which they have nullified the provisions of the law. According to the report that accompanied it and according to the debates in the House when the law was passed,

it was intended to apply to Government buildings, in the shops, and everything which they then thought was included in the terms "public works" of the United States; but this narrow construction of the term "public works" has practically nullified the bill.

Mr. O'CONNELL. We maintain that the large contractors, as, for instance, the Cramp Shipyard and the Newport News Shipbuilding Company, are enjoying special privileges because of being in a position to operate their plants any number of hours they may see fit. While other shipbuilding institutions have, since May, 1901, reduced the hours of labor somewhat, as, for instance, the Union Iron Works at San Francisco, now a part of the American Shipbuilding Company, reduced the hours of labor to nine during the past year; and the ship company at Elizabethport, N. J., and the shipbuilding company at Wilmington, Del., reduced the hours of labor during 1901 to nine hours, or 54 hours per week; these concerns are not by any means as large contractors or subcontractors from the Government as are the concerns that have been working the longest number of hours per day and per week, namely, the Cramp Shipyard, the Newport News Shipyard, the Bethlehem Steel Company, and the other steel concerns—the United States Steel Company's mills.

These concerns, which are the largest contractors, have been working the longest number of hours per day and per week.

The gentlemen who have appeared against this bill during the hearings that have been held, some of them practical men, some of them technical men and theorists, have offered, in the main, the argument that their opposition to the bill was, first, because it prohibited absolutely the working of overtime, and, second, because it prohibited absolutely the contracting or free contracting between the employer and the employee as to the number of hours that they might desire to run their plants or the number of hours the workmen might desire to work.

Some of the gentlemen who have appeared here have gone so far as to say, in their opposition to the bill, that, when it became public in the localities from which they came, the argument in opposition presented by them was so cheerfully accepted by the constituency in the locality where they came from that they were overwhelmingly besieged by flattery and compliments in every direction because they had made it so plain what the real injury was contained in this bill, which the employee or the workmen had misunderstood; that they had misconceived the idea of the bill, had never for a moment believed that the bill meant that they were not going to be permitted to work more than eight hours per day if they wanted to, and that so pleased were the workmen in the districts where some of these gentlemen came from that they demonstrated the fact by approaching the gentlemen who had appeared here, and shook their hands and with a smile thanked them for having brought out the defects in the bill and for having shown to the workmen the sting that was really hidden in this bill; for having, in other words, tried to convey to this committee the idea that those who had the bill introduced and those who were advocating the passage of the bill were misrepresenting to Congress and had misrepresented to past Congresses the real purpose of the bill and the real purpose of those they were supposed to represent.

I took advantage of the time elapsing between the hearings to make some investigation into the statements being made before this committee, and I have accumulated a few documents from men direct to present to the committee. Mr. Davenport, the attorney of the Anti-Boycott League, an organization unknown so far as its membership is concerned, made a number of statements before the committee as to the purpose of the bill and its effect upon the workmen and his knowledge as to what the workmen of this country wanted; that the men who were fathering the bill believed they were representing the men of their organization and the wageworkers of this country, but that the wageworkers did not understand what the bill meant; and that by a personal investigation and visiting the manufacturing plants of this country he had discovered, upon close observation, that the wageworkers of the country were not in favor of eight hours, and they were absolutely opposed to any bill that would prohibit them from working overtime.

As a direct evidence of his position, he stated at the last hearing at which I heard him that the testimony given in a previous hearing was published in all the papers of Bridgeport, Conn., and that the statement made by him before the committee had opened up so wide the defects in this bill, and made it so clear to the employees of the section of the country from which he came that they came to him with open hands and congratulated him upon the evidence

put before the committee and the light that he has thrown upon it, with a view to leading the committee to believe that the representatives of organized labor were misrepresenting the wants of the wageworkers of his district.

I have here fourteen letters from reputable men of Bridgeport, representing thousands of workmen of that city, with the signatures of the presidents and officers under the seal of each local union, in contradiction of the statement made by Mr. Davenport as to the relations of organized labor and unorganized labor at Bridgeport in regard to the position they occupy against this bill.

Mr. DAVENPORT. Have you the dates?

Mr. O'CONNELL. These are all dated, every one of them.

Mr. DAVENPORT. May I look at them?

Mr. O'CONNELL. Certainly; there is nothing secret about them.

Mr. DAVENPORT. May I inquire of the gentleman whether he claims that those documents were adopted by any unions of Bridgeport in their meetings?

Mr. O'CONNELL. A special meeting was called for each one of them; yes, sir.

Mr. DAVENPORT. For each one of them?

Mr. O'CONNELL. Oh, yes, sir.

Mr. DAVENPORT. That is the statement you make?

Mr. O'CONNELL. Yes, sir; they come to me as adopted by their meetings.

Mr. DAVENPORT. I have information furnished to me by a union man of Bridgeport bearing upon that subject. I wish the gentleman would state which, if any, of those documents purport to have been adopted by the unions of Bridgeport.

Mr. O'CONNELL. I have made the statement, Mr. Chairman, that these documents have all been adopted by the unions of Bridgeport. They are signed and sealed by their officers.

Mr. DAVENPORT. They have the names of the officers and the seal; that I know. But I ask him whether he wishes to state to your committee that those matters—

Mr. O'CONNELL. I have made the statement, Mr. Chairman.

Mr. DAVENPORT. May I look at them?

Mr. O'CONNELL. Certainly.

The ACTING CHAIRMAN. Does each one represent a local?

Mr. O'CONNELL. Each one represents a different division of the trades of Bridgeport and there is one from the central body of Bridgeport, representing all the organizations.

Mr. GOMPERS. Mr. Chairman, may I ask, before Mr. O'Connell proceeds further, that after the scrutiny that Mr. Davenport desires to give those documents, inasmuch as he has stated that he has, upon the authority of some union man of Bridgeport, the denial that these resolutions or statements were authorized by a meeting of the union, he may give to the committee the name of his informant?

I say this because there has been so much of this claiming to represent so and so, and that such and such a statement has been made by some party, and without some understanding as to whether it be so or not I think it would not be unfair to us to know as to the accuracy of his statement; and we ought either to stand here convicted of misrepresentation or we ought to stand here vindicated of the truthfulness of our position.

The ACTING CHAIRMAN. There seems to be no objection on the part of the committee to having the names given and filed.

Mr. HUGHES. I think, inasmuch as the gentleman has attempted to impeach this testimony, he ought to give his reason. I say that, speaking as a member of the committee.

Mr. DAVENPORT. So far as I am concerned I am willing to convey to the gentlemen and to the committee the information that I have and also make a statement in regard to what I understand to be the facts. So far as giving the name of the informant who conveyed to me this information, that I shall not do; but I challenge the gentleman to dispute the accuracy of my statement, and if the committee considers it of sufficient importance in connection with this matter to investigate the accuracy of that statement by instituting an investigation, I am satisfied the committee can ascertain the fact to be so.

The ACTING CHAIRMAN. Let me see if we understand what your statement is. You concede the fact that they are regularly signed by the officers of the union?

Mr. DAVENPORT. This is the information I have, Mr. Chairman—

The ACTING CHAIRMAN. Let me ask you some questions, to get it down to a specific point. Is it claimed that these documents are forgeries, or is it admitted that they are signed by the officers?

Mr. DAVENPORT. They are signed by the officers.

The ACTING CHAIRMAN. Is it claimed that no notice was sent to the representatives of the local union in each case to attend the meeting?

Mr. DAVENPORT. I understand that with the exception of three or four that is true.

The ACTING CHAIRMAN. That notices were sent out, you mean?

Mr. DAVENPORT. I understand in three or four instances they held meetings. I understand the Machinists' Union, the Carpenters' Union, the Retail Clerks' Union, and the Electrical Workers' Union held meetings. On the night of the 9th of March I observed in the paper a notice that there would be a meeting of the Central Labor Union of Bridgeport and important business would come up. That I took to be the notice that was given. At that meeting there were, as I am informed, 33 men present. There were 19 unions of the 32 unions in Bridgeport represented by those 33 men.

At that meeting a letter from Mr. O'Connell was presented, which I presume he has, setting forth what he claimed I stated here, and requesting that he be informed of the facts and that they communicate with him, and asking for resolutions signed in this way from the different unions. I presume Mr. O'Connell supposed that such a course as that would be taken of ascertaining from the unions their views.

At this meeting at which 19 unions were represented, and at which 33 men were present of the Central Labor Union, after paying their respects to me, they voted to adopt the resolution which has come here purporting to be from the Central Labor Union. There were only 19 of the unions represented and the proposition was made as to how they would get the other resolutions of this character from the other unions. The gentleman representing the Carpenters' Union was authorized to go about, if possible, and secure the signatures of the officers of those unions, and those signatures, as I was informed, were obtained by going to the officers of these unions.

The committee will bear in mind, or if not the record will show exactly, what I stated as to the attitude occupied by me. It is stated, as I understand it, in the resolutions of the Central Labor Union that they represent 12,000 union men of Bridgeport. I was informed that there were 3,000 members at present in those unions. That is the information that I had in regard to those resolutions.

Now, I ask the gentleman again, does he understand and does he wish the committee to understand that all those resolutions were adopted by the members of the union represented by those at meetings held by those unions, at which notice was given them to be present, and where the subject was put before them in a true light? Is that his understanding of it?

Mr. O'CONNELL. What does the gentleman mean by the subject being put before them in a true light?

Mr. DAVENPORT. In the light of what I stated here.

Mr. O'CONNELL. I will state to the chairman that I submit these resolutions signed and sealed by the officers of the local labor organizations of Bridgeport. They come to me through the officers of each of these organizations, under their seal, and they are presented here and stand for just exactly what they say, representing the union of each of these organizations individually and the central body of Bridgeport.

Mr. GOMPERS. Mr. Chairman, before Mr. O'Connell proceeds any further, you have observed that Mr. Davenport, having been asked a question, makes a long statement and then propounds a question; but he has not answered as to the source of his information. As a matter of fact, there is a system of espionage going on in the labor organizations of the country by the hired detective agencies of the Manufacturers' Association, two of them in Cleveland, another one in Chicago, and one of them now, as I am advised—I am not sure of it—by this so-called Anti-Boycott Association. These spies or detectives are sent into the organizations of labor for the purpose of reporting to employers what is supposed to be the procedure and actions of organized labor, and, as a matter of fact, these people want to accomplish something to earn the money they are paid, and they report any old thing. It does not make any difference.

I appreciate, I think, the unexpressed opinion that Mr. Davenport holds, that perhaps, following his train of thought that he has expressed here and elsewhere, if he would give the name of his informant, the man might suffer some persecution. First, I want to say that such a suspicion I believe to be unwarranted, but I suggest that Mr. Davenport might give this committee the information, as he suggests, and then—

Mr. O'CONNELL. If Mr. Gompers will permit me, while I do not want to interrupt his thought, I have the matter pretty well in hand by documents.

Mr. GOMPERS. Let me finish the sentence then. I suggest that some representative of labor be selected, anyone in whom the committee have confidence, whom Mr. Davenport would believe, if he pledged his word of honor that he would not violate the proprieties or violate his pledge by using the name in any way except in an effort to ascertain the accuracy of it and give it to the committee. Let us fathom that, not to hold up this bill, but simply for the committee's information, if not upon this hearing, at some future time for the information of the committee.

Mr. DAVENPORT. The statement that I make—

The ACTING CHAIRMAN. Is this interruption with your consent, Mr. O'Connell?

Mr. O'CONNELL. I have no objection to answering questions, Mr. Chairman, or entering into the argument, but I do not want the thing to drift too far away from what I am trying to present to the committee.

The ACTING CHAIRMAN. You are entitled to your time unless you wish to be interrupted.

Mr. HUGHES. Permit me a moment, Mr. O'Connell. I suggest to the chairman and the other members of the committee that there does not seem to have been anything advanced so far that would impeach the value of these communications in the statement made, which is a purely hearsay statement, as I understand it.

Mr. FOSTER. Then what are we interrupting for?

Mr. HUGHES. I suggest that we stop discussing the letter episode.

The papers referred to by Mr. O'Connell are as follows:

BRIDGEPORT, March 6, 1904.

At the regular meeting of the Railroad Freight Handlers' Union, No. 428, the following resolution was unanimously adopted:

Whereas Daniel Davenport, in his opposition to the eight-hour bill before the labor committee at Washington, said that hundreds of union men shook hands with him for the stand he had taken against the said bill;

And whereas said Davenport stated that the union men were not in favor of the eight-hour bill, etc.,

*Be it resolved*, That we, the Freight Handlers' Union, deny his statements in every particular, and hereby announce that our organization is in favor of the eight-hour bill as presented, as we believe it will be a great benefit to the wage-earners generally.

[SEAL.]

PATRICK J. DOLAN, *President*.  
JOHN DAWSON, *Secretary*.

UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA,  
BRIDGEPORT, CONN., UNION No. 115,  
March 8, 1904.

Whereas Mr. D. Davenport, a lawyer of this city, now employed by the manufactures and trusts of the country to fight the advancement of the labor movement; and whereas he is now in Washington appearing before the Committee on Labor in opposition to the eight-hour bill, and in his lengthy argument he said that the union men of Bridgeport were not in favor of the eight-hour bill, that they wanted the privilege to work as long as they felt like it; and whereas since he made his speech he has said that a great many union men shook his hand and thanked him for his speech, telling him he had expressed their opinion of the bill;

And whereas he, also the labor leaders, now appearing before the committee in favor of the bill, were not representing the desires and wishes of the union men of Bridgeport; Therefore, be it

*Resolved*, That we, the carpenters and joiners hereby assembled, numbering about 550 men of all political affiliations, do hereby qualify Mr. Davenport's statement as false and misleading in every sense, and we are surprised that a man of common intelligence could make such a broad and false statement, and ask him, if he has any respect for the union men "of whom he claims to be the friend," to name his authority for making such broad statements; and be it further

*Resolved*, That we are in favor of the eight-hour bill now before the committee. We are in full accord with the labor leaders and hope they will be successful in proving to the labor committee that labor should get more of the great

amount of prosperity now sweeping over the country. We hope Congress will make the bill a law. We believe that Mr. Davenport has made the mistake of other enemies of organized labor. He believes that labor should not think or ask for anything, but allow such good friends of labor as Mr. Davenport and other trust and corporation lawyers are to do our thinking and tell us what we want and ought to get.

Unanimously adopted.

[SEAL.]

R. MARTIN, *President.*  
J. LEONARD HELD, *Vice-President.*  
E. O. HOUGHTON, *Secretary.*  
WM. RUSSELL, *Treasurer.*  
M. L. KANE, *Business Agent.*

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IRON MOLDERS' UNION OF NORTH AMERICA, No. 110,  
*Bridgeport, Conn.*

At a meeting of Iron Molders' Union, No. 110, held on March 10, 1904, the following preamble and resolutions were unanimously passed:

Whereas it has come to our knowledge that Daniel Davenport, in his evidence against the eight-hour bill before a committee of the House, said that there was no desire among the union men for the passage of the bill. Therefore be it—

*Resolved*, By the Iron Molders' Union of this city, that they unhesitatingly indorse the bill and desire to go on record as being in entire accord and sympathy with the measure, and that Davenport's statement in reference to the union men of this city is without foundation; be it further—

*Resolved*, That the molders are not only in favor of eight hours for Government work, but for all work, and are against overtime under any condition.

M. FORBES, *President.*  
CHARLES H. O'BRIEN,  
*Corresponding Representative.*

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BRIDGEPORT, CONN., *March 10, 1904.*

THE HONORABLE COMMITTEE ON THE EIGHT-HOUR-LAW BILL.

GENTLEMEN: In reply to the statement made before your honorable committee by a Mr. Davenport, that the union men of the city of Bridgeport, Conn., were opposed to the eight-hour law and did not want it, we, the undersigned officers of the Allied Metal Mechanics, Local No. 7, of this city, desire to state in behalf of the members of the local that we are very much in favor of the eight-hour law, and feel that the members of every other local in the city are of the same opinion.

Respectfully, yours,

[SEAL.]

HUGH J. HANNON, *President.*  
GEORGE MOORE, *Treasurer.*  
JOSEPH BYRNES, *Financial Secretary.*  
JOSEPH P. MCCANN, *Recording Secretary.*

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RETAIL CLERKS' ASSOCIATION,  
*Bridgeport, Conn., March 10, 1904.*

Whereas statements have been made by Daniel Davenport and appeared in the press to the effect that labor-union men were not in favor of the eight-hour bill which is now before the Labor Committee of the House of Congress, and

Whereas Daniel Davenport has stated that numbers of union men of Bridgeport had commended him and shook hands with him for the stand he had taken against the eight-hour bill; be it

*Resolved*, That we, the Retail Clerks' Union, Local No. 451, do hereby unanimously deny those statements and state that this local union has always favored all legislation giving shorter day's work to the wage-earners of this country; and be it further



*Resolved*, That we fully understand the eight-hour bill which is now being discussed before the Labor Committee at Washington and heartily and unanimously indorse it.

[SEAL.]

JOHN A. WORTHY, *President*.  
ROBERT K. MARSHALL, *Vice-President*.  
H. C. RINEHART, *Second Vice-President*.  
R. F. DUNN, *Treasurer*.  
W. L'HOMMEDIEU, *Financial Secretary*.  
FRANK J. BROOKS, *Recording Secretary*.

WOOD, WIRE, AND METAL LATHERS' INTERNATIONAL UNION,  
*Bridgeport, Conn., March 10, 1904.*

*To whom it may concern:*

Whereas Mr. Davenport, of Bridgeport, Conn., has appeared before the Committee on Labor and stated that the labor men of this city of Bridgeport were pleased with his opposition to the eight-hour law; be it

*Resolved*, That we, the members of the Wood, Wire, and Metal Lathers' Union, Local No. 23, of Bridgeport, Conn., emphatically deny this statement; and be it further

*Resolved*, That our organization is in favor of the eight-hour law as presented.

[SEAL.]

CHRISTOPHER PACKETT, *President*.  
C. L. JONES, *Secretary-Treasurer*.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS,  
*Bridgeport, March 11, 1904.*

MR. JAMES O'CONNELL.

DEAR SIR: At a special meeting called March 9 for the purpose to deny the statement made by Mr. Davenport before the committee in Washington, D. C., that union men did not want eight hours to constitute a day's work, or words to that effect, is false.

It was also voted that all work done by the Government shall be on eight-hour basis.

We hold a man that handles the pick is as good as the man that carries the mail, so long as he is truthful, honest, and a good loyal citizen, true to his country and his God.

That is the foundation of unionism.

Faternally, yours,

J. T. ROONEY, *President*.  
J. W. PECK, *Secretary*.

INTERNATIONAL ASSOCIATION OF MACHINISTS,  
*Bridgeport, March 11, 1904.*

MR. JAMES O'CONNELL,

*President International Association of Machinists.*

DEAR SIR AND BROTHER: The following preamble and resolution was unanimously adopted by Bridgeport Lodge 30, to wit:

Whereas it has come to our notice, through newspaper reports of Mr. Davenport's speech, that the said gentleman has made statements before the Committee on Labor regarding the eight-hour bill now pending before Congress to the effect that the workingmen of Bridgeport were not in favor of said bill and that trades unionists of Bridgeport met him on his return from Washington and shook him by the hand and congratulated him on his efforts to defeat said bill, both of which statements we denounce as untrue;

And whereas he, the said Mr. Davenport, pretends that he is the friend of labor, and at the same time he is the attorney of the Anti-Boycott League who is prosecuting the working classes of sister towns, is, in our opinion, sufficient to condemn him in the eyes of all workingmen. Therefore, in view of these facts and in view of the further fact that, as an organization representing 500 skilled machinists, we are in favor of the eight-hour bill as it now stands, knowing full well that it provides that overtime can not be worked except in cases of extreme emergency.

J. H. SMITH, *Recording Secretary*.  
W. S. GRAHAM, *President*.

BRIDGEPORT, CONN., *March 11, 1904.*

Mr. J. O'CONNELL:

At a regular meeting of the Journeymen Barbers' Union, Local 288, the following resolution was adopted:

Whereas Mr. D. Davenport, counsel for the Anti-Boycott Association, has appeared before the Committee on Labor, at Washington, and made a statement that the labor men were opposed to the eight-hour bill before said committee; therefore be it resolved that we, the Journeymen Barbers' Union, hereby indorse the said bill now before the said committee, and we further agree with the statements now at Washington.

Respectfully, yours,

[SEAL.]

DANIEL J. O'CONNOR,  
J. J. MEYER, *Finance Secretary.*  
M. C. MENGE, *Treasurer.*  
JOHN T. STEIN, *Recorder.*

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
*Bridgeport, Conn., March 11, 1904.*

Ice Wagon Drivers and Helpers' Union of Bridgeport:

Whereas it has come to our notice that Mr. Daniel Davenport, of Bridgeport, in his speech before the legislative committee on the eight-hour bill has stated that the union men of this section do not want the eight-hour bill passed;

At our meeting of March 9,

Therefore, be it resolved, that we denounce it as a falsehood, as the fundamental principle of unionism is for a short workday, and that we as a body of union men want it to come to pass as soon as possible, as it will be the emancipation of workingmen.

[SEAL.]

MICHAEL DWYER, *President.*  
MICHAEL HUSSEY, *Financial Secretary.*  
FELIX O'ROURKE, *Recording Secretary.*

BROTHERHOOD OF  
PAINTERS, DECORATORS, AND PAPERHANGERS OF AMERICA,  
*Bridgeport, Conn., March 12, 1904.*

Mr. JAMES O'CONNELL.

DEAR SIR AND BROTHER: At a meeting of Local Union No. 190, Brotherhood of Painters, Decorators, and Paperhangers of America, on March 4, 1904, it was voted to refute the statements of Mr. Daniel Davenport before the Labor Committee derogatory to the interest of organized labor. Therefore be it

*Resolved*, That we, the Painters, Decorators, and Paperhangers of America, do brand the statements of Mr. Davenport as false in every particular and unanimously adopt the following resolution: That we, the Journeymen Painters and Decorators' Union, favor the eight-hour day bill as presented before the Labor Committee at Washington, D. C.

*Be it further resolved*, That our organization always has favored an eight-hour day, as we know it is beneficial to the best interest of the wageworkers in general. We trust you will succeed in having the eight-hour-day bill carried through without any more opposition on the part of Mr. D. There are about 40 local unions in the city of Bridgeport, representing about 12,000 union men and women, and if Mr. D. can give you the name of any union man or woman who met him at the depot and shook hands we would like to know him or her. You may read this letter before the Labor Committee if you wish. Wishing you all success in your undertaking,

I remain, yours, fraternally,

[SEAL.]

JOHN O'DONNELL, *President.*  
GEORGE M. HUNGERFORD,  
*Recording Secretary, Local Union No. 190,*  
*Brotherhood of Painters and Decorators and Paperhangers of America.*  
Residence: No. 1301 Central avenue, Bridgeport, Conn.

CENTRAL LABOR UNION,  
Bridgeport, Conn., March 12, 1904.

Mr. JAMES O'CONNELL: Following is the action of the Bridgeport Central Labor Union at their special meeting held March 9, 1904. The following resolutions were adopted:

Whereas Mr. Davenport, a lawyer of this city, representing the Antiboycott League, has been appearing before the Committee on Labor in the House of Representatives in opposition to our eight-hour bill; and

Whereas he has made the statement before the committee that he was a good friend of organized labor, and that since he made his speech against the eight-hour bill hundreds of union men have shook his hand and told him he had expressed their opinion on the question,

And whereas he made the statement that the eight-hour bill was not wanted by the union men of this city, and that the leaders of organized labor who are now appearing before the same committee are not representing the wants of the union men in this section, it is hereby

*Resolved*, That we, the officers and delegates of the Bridgeport Central Labor Union hereby denounce the statements of Mr. Davenport as unqualifiedly false in every particular, and challenge Mr. Davenport to name one union man who told him that he was opposed to the eight-hour bill, for one of the fundamental principles of organized labor is the eight-hour day; and be it further

*Resolved*, That we indorse the stand taken by our leaders in Washington in their efforts to secure the passage of this bill now pending before your committee.

J. J. O'NEIL, *President*.  
J. ROONEY, *Vice-President*.  
G. H. WOOD, *Secretary*.  
N. P. BISSENETTE,  
J. H. SMITH,  
J. M. DONNELLY,  
*Committee on Resolutions.*

BRIDGEPORT THEATRICAL STAGE EMPLOYEES, I. A. T. S. E.,  
Bridgeport, Conn., March 14, 1904.

*To whom it may concern:*

In reading the newspapers we find that Daniel Davenport, the attorney of the Antiboycott Association, has made statements detrimental to organized labor. Be it therefore

*Resolved*, That we, the members of the International Alliance Theatrical Stage Employees, Local 109, of Bridgeport, Conn., do hereby deny his statements; and be it further

*Resolved*, That we are in favor of the eight-hour bill as presented before the Labor Committee at Washington.

[SEAL.]

GEORGE F. BELDON,  
*President*.  
WM. H. LYONS,  
*Recording Secretary, Local 109.*

BRIDGEPORT TYPOGRAPHICAL UNION 252,  
Bridgeport, Conn., March, 1904.

Mr. JAMES O'CONNELL,  
*Washington, D. C.*

DEAR SIR: We understand that Attorney Daniel Davenport, of this city, made the remark that the workman of Bridgeport did not desire shorter work hours. We are emphatically in favor of the passage of the "eight-hour bill" now pending before Congress. We understand the bill now being considered, and we are in favor of an eight-hour day and in favor of any bill that will prohibit the working of more than eight hours in any one calendar day.

Fraternally, yours,

[SEAL.]

ROBT. T. CHERRY, *President*.  
PETER W. PULVER, *Secretary*.  
275 Black Rock Avenue.

Mr. O'CONNELL. Mr. Chairman, I think it comes with bad grace for any gentleman to question the integrity of another gentleman appearing before this committee, who states that he represents absolutely the opinions of 75,000 skilled machinists of this country, the opinions of 300,000 metal-working tradesmen, of whose organization he is president, and the opinions represented by him as an officer of the American Federation of Labor, when that gentleman makes the statement before this committee, which is in print, that he "believes" he represents, that he "thinks" he represents certain people. Mr. Davenport, in his testimony, at page 16 of the printed hearings, states that he "believes" he represents So-and-so, and "I think I represent So-and-so."

He leaves it with the committee to decide whether he does or not. I say absolutely I am here representing the men I have mentioned, and not from a technical and theoretical standpoint, but from a practical standpoint; that these men are absolutely in favor of the bill before the committee; that it is their wish that this bill be passed; that they are in favor of the bill because it absolutely prohibits the working of overtime except in cases of emergency.

Mr. Davenport, in his statement, ridiculed and belittled the meaning of emergencies. They brought gentlemen here, practical men, from the United States Steel Company, from electrical works throughout the country, and from other industries, to state to the committee that it was absolutely impossible to stop the work of a plant on the minute, at 4 o'clock or 5 o'clock, as the case might be; that it was a physical impossibility to do it, and that it was ridiculous on the part of the committee to consider such a proposition; and while he admitted there was probably some wisdom on the part of the men who were representing this bill, he said that they represented it in total ignorance and in total darkness as to what it meant.

Now, I speak as a practical mechanic, having spent over twenty years in the various machine shops of this country. You have been told during this hearing that certain jobs were done in machine shops that it was impossible to stop, but they did not say to you that it was impossible to change the men on a job. One gentleman, who was a practical man, said that in the boring of a cylinder, which several gentlemen made mention of, when the cut is a finishing cut, it could not be stopped without doing the cylinder injury. I admitted that was correct; but there is no injury incurred in the changing of the men upon that job. I have changed with men upon jobs of a similar character probably a hundred times in my lifetime.

I have changed with the man who went home and I took his job, or I went home and he took my job. In the Washington Navy-Yard they run three turns, eight hours to each. You can go over there every day and see one man taking a machine that another man is operating and going right along with it. They do not work a man over eight hours in that yard. The men change three times in the twenty-four hours on every job. Some of it is the finest class of work that is built in America. The closest work that is done by any mechanic in the world is done in the Washington Navy-Yard to-day.

It is not done by the inch or the hundredth part of the inch, but the work is done under the micrometer calliper down to a fraction of an inch which is far beyond the conception of the eye, and every day, three times a day, men are changed upon this work without any injury to the work whatever.

Practical men come here representing the molding industry and tell you that conditions exist in the foundry that make it absolutely impossible to work an eight-hour day; that it would be ruinous to their business; that it would cause great loss of material; that sometimes this thing, and that thing occurs in a cupola which would make it impossible for the men to change.

Mr. Jenks, the representative of the United States Steel Company who was here, said that the industry was such that they had to occupy the men in the work by allowing them 15 minutes here and 15 minutes there, and that the work would go on, and in other instances he told you that it required absolutely no skill to operate this thing; that it simply required a man to move the levers and handles and so on, and that was all.

I want to give you the evidence of some practical men. Here is the report of the work of the Naval Gun Factory at Washington, a statement by Capt. Edwin C. Pendleton, superintendent of the yard, before the Appropriations Committee, in which Mr. Pendleton asks for an appropriation to enlarge the foundry at the Washington Navy-Yard so that they can make castings at the yard, which they are now buying from private contractors.

Mr. Pendleton makes this proposition to the committee, knowing full well that he can operate that yard only eight hours, to the minute, every day, that is,

for one turn to a man. He submits to the committee statements showing the cost under which the yard is run on the eight-hour basis, in addition to which the men receive a fifteen days' leave of absence each year with pay. They also receive all holidays with pay, and notwithstanding this lower number of hours' work and the addition of the fifteen days' leave of absence and the addition of the holidays granted to the men, he shows in his statement here—it is a long document; you can all get it—

The ACTING CHAIRMAN. Give the number of it, Mr. O'Connell.

Mr. O'CONNELL. It is House Document No. 10. He states in the document that he has produced work—under these working conditions, remember, the hours and the holidays and the leave of absence—at a greatly reduced cost from the cost which the Government is paying to private contractors. The other side may say to you that this is done because they do not charge a percentage for fixed costs, etc., because it is a Government property. Such is not the case. They add, so he states here, 40 per cent for maintenance of the yard and so on, for fixed expenses and all that, when they make out their statement as to the cost of work in the yard.

Here is the last report of the Chief of the Bureau of Ordnance to the Secretary of the Navy, in which you will find exactly the same statements, and in addition to which you will find a statement showing one contract for guns in which the Government was engaged itself, and at a greatly reduced cost produced these guns; not only that, but they produced the finest guns made in the world. No equal to them in any part of the civilized globe had then been produced, and they have been produced under the reduction of the hours, and under the holidays, and under the leave of absence, and yet cheaper by a very great percentage than has been done by the Government in its contracting or subcontracting.

Mr. FOSTER. Let me ask you in that connection, does the Government take into consideration the plant itself; that is, the money invested in the plant?

Mr. O'CONNELL. They do not consider the money invested; no; 40 per cent is added.

Mr. FOSTER. What is that?

Mr. O'CONNELL. The 40 per cent is added. It states particularly here why it is added. It is added for the maintenance of supplies, the fuel, the operation of the plant, and the depreciation of tools, etc., and of the plant itself, but the first cost of the plant is not figured in.

Mr. HUGHES. The depreciation of the plant amounts to first cost?

Mr. O'CONNELL. The depreciation of the plant is added, of course, but the first cost of the plant is not added.

It is stated here that the reason that is not figured in is because, out of the contracts let to certain institutions in this country—I will not make an accurate statement in regard to it; the firm is named, but I will not state it—I think probably the Bethlehem Steel Company or the concern in Philadelphia, the Midvale Steel Company, in five years the amounts received for contracts had paid for their plant absolutely out of the profits.

Now, Mr. Chairman, the statement is made by a gentleman representing a so-called antiboycott organization, who says, for reasons obvious to the members themselves, he refused to give to the committee or anyone else the name of the person he represents, and he stated later the reason, upon a question asked by himself, that he refused to give these names was because of the fear they would be put out of business by the American Federation of Labor, by the damnable methods of the Federation of Labor, the unlawful methods of the American Federation of Labor, to so state it; and this gentleman, knowing nothing about the practical operation of a plant, through all his statement tried to convey to the committee that the gentlemen who were on the opposite side or who were advocating the passage of this bill were misrepresenting; that they did not represent anybody, and that Mr. Gompers was Mr. Gompers and Mr. O'Connell was Mr. O'Connell. Mr. Davenport, in his own statement, in the beginning of it, begins by saying, "I think I represent" and "I believe I represent."

We want to start off in the very beginning by saying we represent. We defy Mr. Davenport or anyone else to substantially contradict that statement, to bring to this committee one witness who will say we do not represent the wants of labor. I defy Mr. Davenport to bring one machinist out of the 75,000 I have the honor to be the executive head of who will say that I do not represent exactly his views before this committee, and these 75,000 men are the highest-skilled artisans the world has produced.

Mr. Covell, the president or acting president of the National Metal Trades Association of Manufacturers, an organization composed of about 300 firms engaged in the metal industry, particularly in the machinists' line, appeared before the committee. He is the acting manager of the Ledgerwood Manufacturing Company, of Buffalo, N. Y.—a gentleman I know very well.

We have had dealings together, and we are on very friendly relations. We have an understanding with his firm under which our people work nine hours. He made the statement here, and the only statement he made was that the foundry, with which he was thoroughly familiar, could not operate if limited exclusively to the minute of eight hours.

I maintain that the evidence of Mr. Pendleton, of the Washington Gun Factory, a practical man, is just as reliable as that of Mr. Covell; and I do not question Mr. Covell's statement at all, because I know him to be a very honorable gentleman. But he is mistaken.

It is true that at certain periods of the handling of a foundry, a cupola, the atmospheric conditions may interfere somewhat with the proper melting of iron. It is true that sometimes in a foundry, a very large foundry especially, where they have large cupolas, the iron will not properly be ready to pour at the exact moment, and it may cause a delay of a few moments; but no reasonable—no practical man—who knows anything of the industries of this country would say that that was not an emergency case. No practical man would say that a firm was violating the law because it had to work its employees a few minutes more to save that run of iron.

But in 99 per cent of the cases to-day in the foundries of this country with hours of ten or nine, as it may be, the plant is so operated that the men are through their work 99 per cent of the time on the exact minute. They make it a business. The foundries do not want to pay for overtime; they do not want to work overtime, regardless of what Mr. Davenport may say, that the men want to work overtime. Such is not the fact. They want to quit when the time comes. When the whistle blows they want to go home, and they so arrange their business as to take advantage of everything that is possible to get the plant closed at the proper time. So I say in not 1 per cent of the cases of the whole industrial world of our country do the men have to meet a condition of affairs where they have to work overtime, because of the atmospheric condition of affairs that would affect a foundry.

Mr. Jenks, of the United States Steel Company, made a statement here that probably when the time came to change the men the man who was to take the turn might be on a street car and the street car might be tied up. That is a strong argument against eight hours. Why, it is so ridiculous and so silly for a practical man like Mr. Jenks, with years of experience in the iron and steel industries of this country, to say that a plant would be in violation of this law because a street car happened to hold a man up. His plant employs, he says, 7,000 workmen, and he also said it did not require any particular skill—only a man to operate a few levers, and so on, and the work went on. It is ridiculous to say that there would not be a man out of 7,000 men to go and relieve a man at 5 o'clock, if that was the quitting hour, until the street car woke up and brought the other man to his work.

It seems to me illogical for practical men to get up and try to belittle this bill, and make it appear to you ridiculous by saying that for a frivolous reason a man would be in violation of this law and compelled to pay a fine of \$5 or whatever it might be for every employee he had in the plant.

Mr. Du Bruhl, the secretary of the National Metal Trades Association, one of the gentlemen who appeared before this committee—

The ACTING CHAIRMAN. Mr. O'Connell, it would interest me if you would go a little more into details as to your view of what would constitute an emergency. Would each of these seemingly ordinary interruptions of work be considered an emergency?

Mr. O'CONNELL. A man being held up in a street car would not be an emergency; that is sure. There would be no occasion for it to be an emergency, because no firm is operating its plant with one man. The operation of a foundry, where the iron in a cupola had been prevented from coming to its proper state of being poured at the proper time and the men were compelled to work a few minutes or half an hour to save a great loss to the company, would, in my opinion, be considered an emergency case. If, in the operation of a great machine plant of this country, where, at the extreme, we will say, a great engine might be in such a position for loading in a car for shipment just at the proper time when the quitting time came and the leaving of that

work for overnight, for instance, would interfere with the railroad operating its business and getting that car out, or interfere with the arrangements so that loss would be liable to fall upon the firm by having the engine occupy that position overnight, in my opinion would be considered by any sane man as an emergency case.

But a firm will sometimes maliciously, sometimes knowingly, take advantage of some things. All the firms in this country will not take advantage of certain things, but some firms will, in order to make it appear that some violation has occurred, that they may get a decision upon this thing and upon that thing from the inspector, probably that will allow them to keep going farther and farther in an encroachment on the law. But within reason this law can apply just as successfully to the private contractor as to the Government itself.

The Government works its employees eight hours absolutely. They are not permitted to work more, except that when we had a war a short time ago they worked twelve hours. That was an emergency case, a case of war; but in no case does the Government violate this law except there is an absolute danger of loss, except when something occurs that will make it absolutely necessary. We say this law will apply just the same to the private contractors as it does to the Government itself, and if it applies successfully to the private contractors and subcontractors and is carried out, if it becomes a law, as fully as the Government itself carries it out, we will have no complaint.

I want to further draw your attention to the fact that nearly every gentleman who has appeared before the committee in opposition to the bill has brought into the discussion matters that have had absolutely no bearing upon the bill, that have had no bearing upon the question of eight hours at all. For instance, Mr. Du Bruhl, the secretary of the National Metal Trades Association, appeared before the committee and tried to convey to the minds of the committee something that had absolutely nothing to do with the law, something to which the law does not apply, does not mention. That is the question of piecework, and the question of contracting between the individual man and the firm itself.

On page 52 of the printed proceedings, in the third paragraph, Mr. Du Bruhl says in his statement:

"A thing that will certainly occur to the contractor under this bill is this: Supposing that he gives out some work, piecework, to his men."

What has the question of piecework between the employer and his men to do with this law? Absolutely nothing. But he would try to convey the idea to the committee and try to lead you along the lines that the contract between the individual employer and the workman and the subcontractor, if you will, would be violating this law. Such is not the intention. When a man works piecework for the employer it is a contract between him and the employer, but in the contract he is supposed to work under the same conditions, the same hours of labor, as the other employees in the factory.

But in this he goes further, and tries to convey the idea that the organizations of labor, the men representing the bill here, try to restrict the individual ability and the individual capacity of the men employed in the plant by prohibiting them from entering into a contract with the company; in other words, to lead you to believe that the contract between the individual workman and the firm itself is a violation of this law.

The ACTING CHAIRMAN. Do you contend that an employee working upon piecework would be exempt from this law?

Mr. O'CONNELL. Yes; the law does not apply to piecework at all.

Mr. HUGHES. Do you mean he could work ten hours a day?

Mr. O'CONNELL. No; he could not work more than eight hours. It applies, as far as the number of hours is concerned, but Mr. Du Bruhl, in his statement, tries to lead this committee to believe that the law applies to that extent that it would prohibit a man from making that contract with the company. Such is not the case; the law does not apply; it has no reference whatever to that state of affairs.

Another gentleman appeared before this committee. I am taking up the practical men in this business who have come before the committee, not those who are not practical as far as my trade is concerned. I refer to Mr. Downey, of New York, representing a shipbuilding company just outside of New York City. Mr. Downey also tries to bring into this argument the piecework proposition between the individual man and his company, and in a very broad bragadocio statement says he had to go to Scotland, because there they are capable of producing a very great percentage more than the American workman. What

has that to do with this bill, because a man in one country may be able to produce more than a man in another country, even allowing, for the sake of argument, that what he said was true?

It is absolutely untrue. We know that. Any sane man knows that is not so, that there is no workman in the world more capable of producing than is the American workingman. It is conceded by all. It is conceded by our foreign brothers that the American mechanic is the ideal mechanic of the world—that he has no equal.

The ACTING CHAIRMAN. Do you think that is true as to the building of ships also?

Mr. O'CONNELL. Undoubtedly—beyond the question of a doubt. I say so from my own personal practical experience. I have been through the shipyards of Great Britain. I never worked there, but I have been there on a trip of investigation. I went through the homes that the men live in. I saw their methods of working, and, as a practical man, I am pretty quick to judge of the methods adopted to produce work, especially in the iron and steel and mechanical trades industries, and I can say without fear of contradiction that the methods employed in Great Britain on the Tyne, or in Scotland, or in Ireland, and the work produced by the men there, will not compare, by a percentage almost as large as that which Mr. Downey stated was in favor of the Scotch workmen, to the methods and the production in the United States.

The ACTING CHAIRMAN. How is it they are able to build ships so much cheaper than we do?

Mr. O'CONNELL. Because, as was stated here, and there is much truth in it, that ships are built in Great Britain largely to pattern, largely from original patterns.

Mr. GILBERT. They have a high protective tariff over there?

Mr. O'CONNELL. They build a great number of ordinary ships in Great Britain, of an ordinary type. If a contractor builds and makes patterns and blueprints and drawings and all that for one ship, he saves all that cost in connection with another ship of a similar character.

Mr. GILBERT. The expense is limited.

Mr. O'CONNELL. Very largely. In the United States, that does not apply so extensively, and especially it does not apply in the Government construction, because every ship the Government builds differs from every other one, and the contractor always makes that a part of his contract.

Mr. HUGHES. It is the same as one witness said about the American furniture, I suppose. They are enabled to make it cheaper here on account of that?

Mr. O'CONNELL. Exactly. The American furniture is made largely of a staple character and of a general pattern in a factory, and because of a great amount being produced from the original plans, great saving is made in the cost.

Mr. Downey, I say, tried to inject into this proposition the same idea exactly, that we interfere with the individual workman making a contract to work piecework, and so on, trying to convey to the committee that this bill applied to the individual rights of the man in making a contract with the company. It applies only to the extent of the number of hours that the man shall work. There shall be no special legislation for any one man in the shop, but the eight-hour day shall apply to all men working on work by contract or subcontract for the Government.

Another gentleman tried to inject into this argument the fact that the proposed law would prohibit or attempts to convey the idea that it would prohibit the employment of young men, and in a very glowing and almost hysterical waving of his hands, said to this committee, "For God's sake don't prevent us from getting the boys. They are in school too long." What has that to do with the measure pending before the committee, this eight-hour law? That is a question to be dealt with in another way entirely, and it is being dealt with practically in another way; and notwithstanding what Mr. Davenport states, that organized labor has done nothing to uplift the American wage working man, the laws that are on the statute books of the States of this country applying to compulsory school education come through the direct efforts, expenditures of money, and sacrifices made by the men in the labor organizations of the country. That can not be successfully refuted by Mr. Davenport or any one of the organizations he represents.

They come here and tell the gentlemen of this committee that organized labor goes out into the field and says to representatives that may happen to be running for Congress, "Unless you do so and so you are not going back



to Congress;" and some of the gentlemen who appear here tell you what horrible crimes have been committed, and they try to inject injunction propositions into this law by saying how it was absolutely necessary to go to the courts and get injunctions to prohibit men from committing crime, from committing murder, from interfering with men's individual rights.

Let us see who interferes with men politically. Here is a document issued by a gentleman who has appeared before this committee as secretary of the Dayton Manufacturers' Association. Speaking of a gentleman who happened to be presiding at Dayton, Ohio—a judge who decided a certain question that was before him in favor of the manufacturers—this gentleman states in his report to the Association:

"The absolute renunciation of labor unionism by several of our large manufacturing concerns is yet all more or less attributed to the influence of the Employers' Association, as is also the defeat of Charles A. Ahern for the legislature at the last election, who, notwithstanding he was backed by organized labor, the brewers' and the liquor dealers' associations, and the street-car men, was badly defeated, and it is generally admitted that he would have been elected had it not been for the opposition of the employers' associations."

Now, think of these gentlemen coming up here and charging us with all the crimes because we may say that some man we believe is not fitted to be elected to a certain position, and that we go out and annihilate a man because he dares stand up in Congress or before a committee and says what he thinks is right. These same men come here and tell you these things, and in their reports to the associations say what they have done to defeat men politically because they were not of their own ideas, and they inject all of these things into this hearing as an evidence of why the eight-hour bill pending now should not become a law.

Mr. Davenport, with all the organizations he represents here, has not brought one witness here to substantiate one statement he has made that the wage-workers are against this bill.

Mr. SPALDING. Mr. O'Connell, is it not an inherent right of American citizenship to vote against or for anybody that the voter may please, on account of his ideas not conforming to those of the voter's, or conforming to them?

Mr. O'CONNELL. Certainly.

Mr. SPALDING. And is that a proper subject of criticism on either side?

Mr. O'CONNELL. The question would never have been brought up had not the other side charged us with doing these things and urging it here as a reason why this bill should not become a law. We are only refuting what they charge us with as a reason for the law not being passed. It must be, or they would not bring it here. We simply produce the documents. They produced nothing on us. We produced the documents, showing their own glorifying because they defeated some man who ran for office because he was not of their opinion. We do not bring it as evidence in the case. It has no bearing on the case.

Mr. GILBERT. Either party would have the right to exercise that privilege in an election. I would not vote for a Republican, and I do not expect any Republican to vote for me. So it is with the business of the country. You labor organizations have the right to advocate the claims of a man you think is in harmony with your views.

Mr. O'CONNELL. Certainly; but we deny the right of any man to come before this committee and charge us with criminal intent in doing so, and in refuting that statement we bring their own documents to show that they are in violation of what they charge us with, if there is any violation. Personally, I say it is my business who I vote for, and I do not care anything about who knows how I vote.

Now, Mr. Chairman, let us get down to the practical side of this thing a little. We maintain the hours of labor are being reduced. The other side try to maintain that they are not being reduced; that here and there there is a reduction of hours, but they all agree no man has come before the committee who has not said he was in favor of the eight-hour day. I have not heard one. I believe one man said yesterday that he was in favor of four hours. The hours of labor are being reduced except where the contractor and the subcontractor is largely being supplied in the necessities of his business through the Government, and these are the last concerns to reduce the hours of labor. Some of the largest employers of labor in the United States, whose institutions are being kept running by contracts from the Government, are the most critical concerns to be employed by, the most severe employers in the country, the most

arbitrary employers in the country, and they are the last men to give their employees any reduction in the hours of labor.

The employers are gradually reducing the hours of labor. The largest representation that Mr. Davenport speaks here for, every one of them, is now operating eight hours, and has been operating eight hours for years gone by. Every one of the Chicago building concerns he speaks for here or which he mentioned has been working eight hours for years, without a single exception. The hours of labor are gradually being reduced.

Mr. GILBERT. Have you any explanation of that? Why is it that a manufacturer who is engaged in manufacturing articles for the Government would be less inclined to have an eight-hour system than the independent manufacturer who is not engaged in manufacturing articles for the Government?

Mr. O'CONNELL. I am at a loss to account for it in a practical business way.

Mr. GILBERT. But that is a fact, you say?

Mr. O'CONNELL. That is a fact. I do not want to cite the name of any concern. I do not think that is a fair proposition. I want to handle this matter fairly and honestly, but it is an absolute fact that the largest concerns, the largest contractors and subcontractors from the United States Government, are, to use a very common phrase, the meanest employers we have in the United States. I do not mean it in that sense, but I mean it in the sense in which the employee looks at it. We have less consideration as to our rights and as to our wants and as to our hours of labor, and as to the wages and conditions under which we are employed, by the contractors of the United States Government than we have from any other institution we have in the United States. Our experience is that we can not meet them. They will not meet committees of their employees in a conciliatory way at all. It is a question of, "You do as we say, or get out."

Mr. GILBERT. Is it due perhaps somewhat to the fact that they feel they are somewhat protected by the United States?

Mr. O'CONNELL. I have no hesitancy in saying that I think that is so.

Mr. SPALDING. With reference to their lack of consideration which you refer to. Does that refer to labor organizations or individual workmen?

Mr. O'CONNELL. It refers to the workmen as a whole employed by these institutions. The individual workman outside of his organization, of course, can not speak. It is ridiculous for anybody to talk here about the individual workman's independence. He can not speak.

The moment he speaks out he goes. There is no question about that. He can only speak collectively with his fellow-workmen in the plant, and men are not brought together unless they are brought together in an organization with some basis, some foundation to it, some corner stone, something to tie to. They are not brought together spasmodically in a day and go to an employer and say, "We want so and so." That day has passed in this country. It must be practical. They must be brought together in a practical way, a business way; and an ordinary individual or a committee gets less consideration from the institutions that are being kept by the United States Government than they do from any other employer in the world. I know that from practical experience. I know it from practical effort to meet the representatives of these concerns.

Mr. GILBERT. I do not want to interfere with the continuity of your line of argument.

Mr. O'CONNELL. That is all right, Congressman.

Mr. GILBERT. But here is a fact that made a greater impression on my mind than any other one fact in this whole controversy: That if you have the procrustean theory or practice of enforcing absolutely and arbitrarily an eight-hour system, you destroy the individuality of the laboring man and in a great measure destroy the incentive for his efficiency and promotion.

Mr. O'CONNELL. I think that reads well in a book.

Mr. GILBERT. I want a practical man's views about it.

Mr. O'CONNELL. That reads well in a book, as I say; but in practice it is ridiculous, in my opinion, to say constantly before this committee that the individual right, the individual possibility of a man is interfered with by saying "You can not work more than eight hours."

Mr. GOEBEL. Do I understand you to say, Mr. O'Connell, that the laboring men want an absolute eight-hour day; that is, no right to labor longer if they so desire?

Mr. O'CONNELL. Except in case of emergency, yes. We believe that eight hours is a sufficient number of hours to work in one day of the twenty-four.

Mr. GOEBEL. I know; but what I am trying to get at is your view or the views of those you represent as to whether the laboring men absolutely want eight hours and no longer.

Mr. O'CONNELL. That is just exactly what we want; yes, sir; we want eight hours.

The ACTING CHAIRMAN. Mr. O'Connell covered that part of it before you came in, and gave it as his opinion that they desired to stop at eight hours, as a rule.

Mr. O'CONNELL. We believe there is no reason for working longer. I am speaking as a practical mechanic. I have spent between twenty and twenty-five years in the machine shop, and, without desiring to appear egotistical at all, I think I was as good a practical mechanic in my day in the machine shop as existed. As we used to say in the trade—we took considerable pride in it—I never took off my hat to anybody in the trade. I always had the best wages and the best hours. I worked the same as anybody else, and my rights were never interfered with, and I always wanted to go higher. No law that would be made here would prevent a man from going higher if his ability and skill warranted it.

Mr. GOEBEL. And the eight-hour system would not interfere with it?

Mr. O'CONNELL. It does not interfere a particle with it. If you can go higher in ten hours, there are more opportunities in the eight hours to go ahead.

Mr. GOEBEL. A man's manifest superiority would be as great in eight hours as in nine?

Mr. O'CONNELL. Yes. We do not say to the employers, "You must pay every man \$3 a day in our trade." We say, "You must pay him a minimum, and then, if his skill and ability warrant his getting \$3.50 or \$4, that is between you and him." We have thousands of men who go higher than the minimum.

Mr. HUGHES. You think if a man is skillful enough to be employed as a machinist he is entitled to enough money to live on and keep his family?

Mr. O'CONNELL. He certainly is.

One of the gentlemen who appeared before this committee a short time ago representing the Crocker Company, just outside of New York, one of the large manufacturing concerns of this country, went on to say that the electrical concerns in the United States were working on the ten-hour basis. I asked him if it was not true that the Westinghouse Electric Company, at East Pittsburgh, were not working eight hours. He said he thought they were working ten hours. I thought at the time they were working eight hours, but I said to the committee I would bring the exact result, and I wrote to Pittsburgh and got this letter:

INTERNATIONAL ASSOCIATION OF MACHINISTS,  
Pittsburg, Pa., March 5, 1904.

Mr. JAMES O'CONNELL,  
402-407 McGill Building, Washington, D. C.

DEAR SIR AND BROTHER: Replying to your inquiry of the 4th instant, in reference to the number of hours worked by the employees of the Westinghouse Electric and Manufacturing Company, East Pittsburgh, Pa., will say that they work fifty-four hours per week, divided as follows: Nine and three-quarters on the first five days of the week, and five and one-quarter on Saturdays.

The Westinghouse Companies discontinued the ten-hour day in all of their shops in this vicinity over ten years ago.

Trusting that the above information will be of value to you, and with best wishes, I beg to remain,

Yours, fraternally,

STUART SIMPSON,  
Business Agent.

Mr. O'CONNELL. The Westinghouse Company is the largest and one of the best dividend-paying concerns in the electrical business.

The ACTING CHAIRMAN. Do you know how this was brought about?

Mr. O'CONNELL. It was brought about by the gradual reduction of the hours by the employees, through their organizations, and so on, making requests, and finally by an agreement made by the International Association of Machinists with the manufacturers of Pittsburg in about 1891 or 1892, since which time in the city of Pittsburg contracts have been entered into and made with all the manufacturers of Pittsburg in the Manufacturers' Association making nine hours a day's labor.

All the mechanical trades establishments in the metal trades (outside of the steel mills, which is one of the concerns working ten hours, of course, on Gov-

ernment contracts) in Pittsburg and the vicinity around there, machinists, molders, metal polishers, have been working nine hours for a number of years; but the concerns there securing Government work, the large Government contractors in that district, are working ten hours, for which the men get no concessions or no consideration whatever.

The tendency is, gentlemen of the committee, for a reduction of the hours of labor. No man has appeared before this committee who has said he did not believe the eight-hour day was bound to come, but they say it will come this way and that way and it will come ordinarily. For God's sake don't make a law that will hasten the thing, they say; let it come when business will warrant it, when dividends will warrant it. The 16 and the 14 and the 12 hour day did not come when dividends warranted them. They came when men went out and struggled for them and insisted that they should have them—insisted that it was their right, insisted that, with improved tools, with improved machinery, with the improved possibilities of production in our country, with the speediest workmen in the world, with the best mechanics in the world, there was no reason why the American workman should not enjoy as short hours as, if not shorter hours than, the workingman of the continent.

Somebody said the British workman was working longer hours than the American workman. Why, in the machinists' trade nine hours is the day in Great Britain, and has been for many years. It is only a short time ago, and Mr. Davenport knows it well, that the metal trade went on strike for the eight-hour day in Great Britain. They had been working nine hours for many a day there. Nine hours is the rule in Great Britain; in America, as many hours as they make you work is the rule, if you do not stand up and say no; and we want to say to the employers whom we can not reach and who are enjoying the benefits of the contributions of every taxpayer of the country, "You must reduce the hours of labor; that you must give the workingmen of this country as good working conditions and as low hours of labor as any other employer in any other country does."

We are not going to China to make comparisons. Somebody said here, "Why not China and why not Japan," and so on. What is the Chinese workman alongside the American workman, or what is the Japanese workman alongside the American workman? Aye, or the British workman? A gentleman who appeared before this committee, a practical man in mechanical lines, who worked and served his time in Great Britain and was a business man in Great Britain and here, stated that the British workman is not to be compared in productive capacity to the American workman; and with all the protection that we have here, protection in tariff for the manufacturers and open ports to the workmen coming here by the thousands and tens of thousands—and to this I have no objection so long as they are coming here for the purpose of becoming law-abiding citizens of the country—with all the employers protected and the manufacturers protected, with the highest prices given for contracts and subcontracts of the Government, the workmen of this country should also receive some protection from the Government, and that protection should be given by the enactment or passage of this bill, making eight hours a day's labor.

Mr. DAVENPORT. Would the gentleman allow a question?

Mr. O'CONNELL. Yes, sir.

Mr. DAVENPORT. You speak as representing the International Association of Machinists?

Mr. O'CONNELL. Yes, sir.

Mr. DAVENPORT. And you say that they universally desire the eight-hour day?

Mr. O'CONNELL. Yes, sir.

Mr. DAVENPORT. Are you acquainted with James Wilson, of that organization?

Mr. O'CONNELL. We have several James Wilsons, I suppose.

Mr. DAVENPORT. Of New York?

Mr. O'CONNELL. Yes.

Mr. DAVENPORT. I read you this statement. Speaking of the demand of the workers for the New York, New Haven and Hartford Railroad that the eight-hour day should be enlarged to nine, it says:

"James Wilson, delegate of the New York local of the International Association of Machinists, said yesterday: 'Some of the international men are working in the company's car shops. They know that an eight-hour workday means cutting wages. It does not mean eight hours' work for nine hours' wages. In this case they can't get the wages, so they want the nine-hour day back.'"

Mr. O'CONNELL. Is that a statement signed by Mr. Wilson?

Mr. DAVENPORT. No; but this is the point: The New York, New Haven and Hartford road gave its employees the option of working eight hours a day. On

account of the condition of business they were going to shut the shops, so they started in on the eight-hour day. The 3,000 car workers made a demand upon the New York, New Haven and Hartford road that they should increase the time from eight hours to nine, and in the New York Sun appears the following clipping:

WHY THEY WANT NINE-HOUR DAY—NEW HAVEN CAR WORKERS KNOW THAT AN EIGHT-HOUR DAY MEANS LOWER WAGES.

According to representatives of the local labor unions, the demand of the 3,000 car workers on the New York and New Haven Railroad that the eight-hour workday be changed to nine hours does not mean that the limit of a short day has been reached by the men and that hours are again on the upward turn. James Wilson, delegate of the New York local of the International Association of Machinists, said yesterday:

"Some of the international men are working in the company's car shops. They know that an eight-hour workday means cutting wages. It does not mean eight hours' work for nine hours' wages. In this case they can't get the wages, so they want the nine-hour day back."

Now, I would inquire of the gentleman whether he is aware of the fact that it is now a subject of controversy between that railroad and its employees, which is being deliberated upon by the officials and the representatives of the union, that they shall return to the nine-hour day, upon the information that if they are cut down to only eight hours a day they do not get the same wages that they got when they were working nine hours, and that what they are anxious for is not the eight-hour day, but the pay that came from the nine-hour day?

Mr. O'CONNELL. I do not know that the statement is correct. I know of no conference being held with them. No conference, so far as our organization is concerned, has been held. That is a statement without Mr. Wilson's signature, simply a reporter's statement. I would not take it at all.

If the committee desire, I will bring Mr. Wilson here personally from New York to make a statement himself as to whether he is in favor of an eight-hour day or not. We have not a more ardent advocate of the eight-hour day in the country than our representative in New York, Mr. James B. Wilson. As for this statement, I do not know anything about it.

I desire to say, Mr. Chairman, in conclusion—

Mr. GILBERT. Before you conclude, suppose all you claim is conceded by the committee and enacted into law by Congress, would that stop the controversy? Would there be any effort on the part of organized labor for seven hours?

Mr. O'CONNELL. We are a progressive people, and a man who has one dollar usually likes to get two, and a man with ten likes to have twenty, and the man with a hundred likes to have a thousand, and so on. The more we get, as enlightened people, of the things in life that make life worth living, the more we want. If we find after getting eight hours that the conditions of our country will afford more leisure time, I do not think we would have any hesitancy in asking for it. We want all the leisure time we can get in order that the wageworkers of this country may have every opportunity to enjoy everything that it is possible for them to enjoy, that they may have more leisure time to educate themselves, not to spend it in saloons or gambling dens or places of that character as has been intimated, but that they may have every opportunity of acquainting themselves with the actual conditions under which they are existing.

Mr. GILBERT. I am very sorry to hear you say that. I thought the eight hours would be satisfactory and that would end the matter.

Mr. O'CONNELL. I think if we get eight hours in this country it will be long after we all pass away before there would be a further reduction; but I do not mean to convey to this committee that if you pass this bill and eight hours becomes a law, there will never be any question of hours between the employers and the employees of this country. I would not want to occupy that position.

The ACTING CHAIRMAN. Would you favor making this bill seven hours instead of eight?

Mr. O'CONNELL. No; I believe in the passage of the bill just as it reads.

The ACTING CHAIRMAN. Why?

Mr. O'CONNELL. Because I believe eight hours is a natural division of the time. I believe eight hours is a fair number of hours to be employed under the present condition of affairs in this country.

The ACTING CHAIRMAN. It would not be, then, for the reason that you think trade conditions in manufacturing would not be able to stand seven hours?

Mr. O'CONNELL. There is a very great misconception and misunderstanding of trade conditions affecting the hours of labor. During 1901 we were living in rather a high period of industrial prosperity in our country. Along at that time we went to the employers in the trades I represent, the metal-working trades, and requested them to reduce the hours of labor in the various metal trades industries from ten to nine hours.

They said, "We can not do it; we are too busy." So we said, "We believe we are entitled to the reduction in the hours of labor and we would like to have them;" and, finally, after compromise and so on, some strikes occurred, and the hours began to go down for thousands of the workers of this country to nine. During the latter part of the past year and the first portion of this year trade has not been so brisk. Industrial conditions have not been so lively. Now, when we go to the employers and ask them to reduce the hours of labor, they do not use the argument, "We are too busy," but they say, "We have to run the ten hours in order to keep ourselves going; we must run longer hours in order to keep the places going;" and where we succeeded in getting the shorter workday in some places during the busy period, these same firms during a slack period are trying to force the employees back on a ten-hour day again. There is no justice in the position at all that I can see.

The ACTING CHAIRMAN. Must not the employees as well as the employers adapt themselves to the conditions that prevail in the country?

Mr. O'CONNELL. There are no more ardent adherents to the industrial conditions of this country than the wageworkers themselves. They realize quicker, they see quicker, they appreciate more rapidly the condition of affairs as they come along than do the employers themselves.

Mr. SPALDING. You spoke of apprentices here a while ago. Do any of your organizations fix an age above which no one shall commence an apprenticeship?

Mr. O'CONNELL. Yes; a great number of the organizations have a minimum and a maximum as to boys starting the trade.

Mr. SPALDING. What is the maximum?

Mr. O'CONNELL. In the machinists' trade it is twenty-one years.

Mr. SPALDING. Are there any of them that are less than that that you know of?

Mr. O'CONNELL. I do not know; they generally run about that. We figure in the machinists' trade that if a young man is not going to start to learn a trade until after he is 21 years old he is starting rather late in life to become practical in the trade, and we believe after that he would be used only as a means of specializing the trade. While that has no effect on this bill, it is a great question that has been discussed for years between us and the employers of the country and which we understand pretty well.

Mr. SPALDING. You spoke of it yourself?

Mr. O'CONNELL. Yes; Mr. Jenks, of the United States Steel Company, brought the question in that they could not get boys into the trade any more, and besides they were getting too much schooling.

Now, Mr. Chairman, I want to say in conclusion that in the metal trades—

Mr. GOEBEL. Before you conclude, Mr. O'Connell, you know much has been said about the exceptions in this bill, and I would like to hear from you on that proposition. Let me read to you what the bill provides:

"Sec. 2. That nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not."

Why should there be any exception?

Mr. O'CONNELL. The reason for the exception in water transportation, etc., is that it would be almost a physical impossibility to keep within the law. For instance, take the boat running from Washington to Norfolk, carrying the mail down. There is scarcely a day that that boat could land just on the minute, and there would be exceptions to the bill constantly. Men are not engaged in that industry by the hour or by the minute.

The ACTING CHAIRMAN. Would not the emergency clause, as you construe it, apply to them?

Mr. O'CONNELL. It would apply, yes; but there would be a constant application. It would apply from the beginning to the end. The exception is made be-

cause of its general impracticability, because of its being so far remote from the general questions as they come before us in connection with the question of the hours of labor. There are men engaged in the railroad transportation service who will probably appear and talk to you on that question much more intelligently than I could.

Mr. GILBERT. It looks to me like one of the crying evils of the day is the fact that engineers and firemen are forced to remain on their engines sometimes twelve, fourteen, and twenty-four hours. Why not apply it to the engine men?

Mr. O'CONNELL. I suppose the law might be made applicable to them.

Mr. GILBERT. The men go to sleep at the valves because they are worked down.

Mr. O'CONNELL. Yes, I understand that. There is a gentleman here, Mr. Fuller, who I suppose will bring those matters up. He is a railroad man and understands them thoroughly. He can discuss the questions you ask relative to exceptions so far as they relate to transportation on railroads; and others will probably refer to transportation on water. I have not given the matter any particular thought. My knowledge of this matter is in so far as it affects particularly the metal trades industries of this country and the trades that are largely affected by contracts let by the Government and subcontractors. We are affected probably the largest of any one trade in the United States, and in that trade we are unanimous.

I can say conscientiously I believe I am voicing the opinions of the men who are outside the trades organizations. I have not yet met one man in all my travels—and I think I have traveled as much as Mr. Davenport; I travel 25,000 or 30,000 miles a year, all over this country, Canada, and Mexico, and abroad—in my trade, in the metal industry, who is not in favor of the reduction of the hours of labor and in favor of the eight-hour day, and in favor of the limitation to the extent that overtime shall not be worked. In my trade we assess overtime, as a means of trying to drive it out. We try to make the prices for overtime as high as possible, in order that the employer will not work overtime except when it is absolutely necessary.

The ACTING CHAIRMAN. You would expect, Mr. O'Connell, that the eight-hour day would receive the same pay as the nine or ten hour day?

Mr. O'CONNELL. I think so in time. Our experience has been that where the hours have been reduced from ten the trades in which they have been reduced are receiving larger wages for the shorter hours than for the longer hours.

Mr. GILBERT. And what is the percentage in the reduction of the product?

Mr. O'CONNELL. In some cases we have statements that the total output has not been decreased at all.

The ACTING CHAIRMAN. What trades were those?

Mr. O'CONNELL. Mr. Jones, the mayor of Toledo, Ohio, runs a machine plant on the eight-hour basis, and has done so for a number of years. He manufactures oil-well supplies, machinery, etc. I have heard Mr. Jones personally make the statement that his plant was as profitable, as productive, and more satisfactory under the present eight-hour system than it was when he was operating under ten hours.

Mr. SPALDING. May not that be due, to some extent at least, to other conditions, conditions of trade and the degree of prosperity, etc.?

Mr. O'CONNELL. The total product to-day, as compared with ten years ago, in a shop that was formerly working ten hours and is now working nine hours, under improved tools and improved facilities, is not only as great, but is in excess of what it was ten years ago in the same sized plant, with the exception of improved tools and facilities. The matter of the reduction of the hours of labor does not at all mean that the employer is going to allow his product to be reduced. He is going to improve. We are a rapid traveling people. We are up to any conception of an idea that will improve products, that will improve the property, and as a result, the production is constantly on the increase, the workman is constantly on the move.

The product is not being decreased by any means in plants where the hours of labor has been reduced. The individual man in some cases may not be able to produce any more, as was illustrated in one case where it was said that where a man ran a machine which made 1,000 revolutions a minute, that was its capacity. It could not produce any more in an eight-hour day. That is true. That is one case. There are other cases where it is not a matter of a machine turning so many revolutions per minute. It is a man's physical strength, a man's opportunity for cultivating theories, and the advanced mechanical inventions of the day; the improvements which he is capable of putting forth because of the leisure time he has to consult in a mechanical way. There are just

as many opportunities where the man is not regulated by the number of revolutions a machine will make in a minute or an hour or a day, but where the opportunity that presents itself makes it possible for him to be a more profitable man to his employer.

I do not think there is an institution to-day which has changed its hours of labor within the last twenty-five years in this country but will say that it has not injured the employer. It has not injured the man, because every employer with whom I have come in contact, where the hours have been changed lower, has always spoken of it favorably. The workmen have always been highly elated with it; but where it is a constant reduction of wages, as Mr. Davenport read here in a clipping from some paper—in that case if a man's wages would go down and down and down until he would not have living wages, as a matter of protection to himself and his children, he would be compelled to work longer hours if it was a matter of necessity. We hope not to see that sort of condition existing at all.

Now, there is just one other point I want to bring to your attention, and a point that is explicitly brought out strongly by the opposition. That is the case of the manufacturer doing contract work for the Government and also doing work for private employers, and having the change of hours, as, for instance, one body of men working on a battle ship and quitting at 5 o'clock, and the men on a transport ship, for a private party, working until 6 o'clock. It is claimed that condition of affairs could not exist. Mr. Fletcher, the proprietor of the Fletcher Works at Hoboken, N. J., made the statement here only a few days ago that in his employ for several years he had two classes of time being worked, one class of men working eight hours and the other nine hours, and that from that condition of affairs he experienced no difficulty whatever.

Mr. ROBERT C. HAYDEN. What were those two classes of work?

Mr. O'CONNELL. One class of men were working on the outside of the ship, on the docks, and the other class of men were working on the ship.

Mr. ROBERT C. HAYDEN. Is not that quite customary in shipyards?

Mr. O'CONNELL. Only in the marine industry in New York; but he stated if the hours of labor were changed one class of men would go home at 5 o'clock and the other at 4 o'clock, and it would cause the men working until 5 o'clock to want to go home at 4. The fact that these men are working on the docks, and on the boat on the outside, is no evidence that that condition would interfere any more than if he was working one class of his men in the shops eight hours and the other nine.

The CHAIRMAN. Is not that one of the benefits you expect to get out of the bill, that if all the people who manufacture for the Government are obliged to manufacture on an eight-hour basis it would have the effect of changing their plants into eight-hour plants?

Mr. O'CONNELL. We hope so. We believe that any move in the reduction of hours of labor has its effect on the longer hours.

I think that is about all I have to say, Mr. Chairman.

Mr. GOEBEL. Mr. O'Connell, this bill also provides that—

"The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act during time of war or a time when war is imminent, or in any other case when in the opinion of the inspector or other officer in charge any great emergency exists."

Do you not think that is a great power in an inspector?

Mr. O'CONNELL. Why, it is no more power than the inspector has to-day, practically. The effort being made before this committee to try to say that the opportunity for the inspector and the employer to go into cahoots in the matter of dishonest acts seems ridiculous for any business man to bring up here. If such a condition could prevail under this law it could prevail now without the law, because the inspectors are in the plants just the same. They are there to inspect and to pass upon work just the same as they would be under the law.

Mr. GILBERT. There is the same opportunity of grafting?

Mr. O'CONNELL. Exactly the same opportunity, because the employer can pass no piece of work out of the factory without the O. K. of the inspector on it. He could put no piece of steel into a gun barrel unless the inspector said O. K. If there is going to be graft, law will not stop them from grafting, nor will it make them graft. Grafters will find their own methods.

The ACTING CHAIRMAN. Inspectors are kept in those plants where it is necessary to inspect the work as it progresses. For instance, in the manufac-



ture of armor. In all the other classes of work covered by this bill there are no inspectors until the finished product is presented. Is not that true?

Mr. O'CONNELL. Do you not suppose there are inspectors at shipyards where they are building Government ships?

The ACTING CHAIRMAN. Yes; armor and shipbuilding. But in all the other classes of supplies now purchased by the Government which I understand to be covered by this bill, only the finished product is inspected to determine whether it comes up to the standard.

Mr. O'CONNELL. If there is graft now it would only open up further opportunity for graft.

The ACTING CHAIRMAN. That is true.

Mr. O'CONNELL. No law will stop that.

Mr. GOEBEL. But is not that a great power that is vested in an individual, and might it not be used to the disadvantage of the contractor?

Mr. O'CONNELL. I do not think so. I do not think we ought to go on the hypothesis that there is an intention of doing wrong.

The ACTING CHAIRMAN. The only argument which would lie in the fact I stated would be the increase in the number of inspectors necessary to carry out the law.

Mr. O'CONNELL. The Government makes a practice of inspecting its business in every direction in which it operates. In the mail service, in the transportation of its various businesses and things, it has corps of inspectors.

It inspects just the same as a private employer would inspect in building, or in any contract that he was having performed for him. If you are erecting a large building and are a large private contractor, you put it in the hands of an architect to see that the sand, the bricks, and so on going into that building are as specified in the contract.

Mr. GOEBEL. If it does not come up to specifications then no more can be done than to condemn that particular work.

Mr. O'CONNELL. Yes, sir.

Mr. GOEBEL. But you take this case. Here is a man who employs say 3,000 men, and if he should run overtime, it would cost him \$5 for every man employed by him. That would be \$15,000, an actual sum of money which is to be deducted from his contract. Is there not a difference between the mere rejection of an article which might be used or changed, and the case I put?

Mr. O'CONNELL. No; I can see no difference other than that this man will pay a fine, and in the other case you take the contract away from him and he loses the contract price. You will not pay him for it. You punish him just as much.

Mr. GOEBEL. You punish him to the extent of condemning that work?

Mr. O'CONNELL. But you will not take it.

Mr. GOEBEL. Exactly; but he can make use of it in some other way.

Mr. O'CONNELL. I do not know how he is going to move a ten-story building from Washington to Boston.

Mr. GOEBEL. I do not want to go into the details, but it seems to me the case is different.

Mr. O'CONNELL. I do not think it is fair to go on the hypothesis that there is an opportunity for wrongdoing. We should take it for granted that the intention of the Government is to do right, and that if an inspector does wrong—

Mr. GOEBEL. Yes; I know the Government is not suffering by this bill. The Government loses nothing.

Mr. O'CONNELL. I understand that; but the Government should do right.

Mr. GOEBEL. It is the contractor who loses.

Mr. O'CONNELL. But we must take it for granted the Government wants to do right.

Mr. GOEBEL. Exactly.

Mr. O'CONNELL. And therefore if it is ascertained that an inspector has gone beyond the real purpose of the law, it might be true that temporarily or for that time that employer might suffer loss, but I do not think it is the purpose of the Government to see injustice done—to see wrong done or to allow it to continue. I believe it is fair to consider that the purposes of the bill are honest, and the effort of trying to inject into it that there is an opportunity of grafting—well, I do not know much about that scheme or system, and men who discuss that phase of it probably are familiar with the opportunities that may exist or that can be taken advantage of. I do not.

I take it for granted that at the bottom of the matter we must consider each other honest and upright American citizens. If we do not, then we ought to make stronger laws.

Mr. SPALDING. One principle of legislation is to make it as difficult as possible for everybody to do wrong, is it not?

Mr. O'CONNELL. No; the opportunity is given to people to do what the Government believes is right. We do not go on the hypothesis that certain things are wrong.

Mr. GILBERT. What do you say to the proposition that the employer, by a mistake or by inadvertence, might allow men to work overtime a few minutes?

Mr. O'CONNELL. I can not conceive that an employer operating his business successfully and having it properly superintended could make such an error. It is usual for the manufacturers of this country to have a certain time for the men to go to work, a certain time to quit, and a certain time for lunch, which are indicated by the whistle or the bell, or whatever they work by. They have a man employed whose business it is to see that the whistle is blown at that time.

Mr. GILBERT. And if the inspector's time happens to be five minutes different from the employer's time you would not consider that a violation of the law?

Mr. O'CONNELL. No; if the clock happened to stop or the fireman happened to get caught in a place attending to a duty of nature or something of that kind, and the time was a minute over, no sane man could expect the law would apply, and a person who would try to apply such a law would not be a proper official either to see that the law was carried out against the employer, nor would the men themselves have any reason to expect such a thing. It is not a technical violation of the law that is aimed at. It is the practical effect of the law that we desire, and it is our expectation that the employer will take hold of it and work right under it.

Mr. ROBERT C. HAYDEN. Mr. O'Connell, on the point of the manufacturer attempting to work a part of his force eight hours under this bill and the rest nine hours, do you recall saying before the Senate committee that that manufacturer would have a strike on his hands?

Mr. O'CONNELL. I do not recall that particular statement; no. I recall this, however, and will agree with Mr. Fletcher, who made a statement here the other day, and who does work his men under that condition, that it would have a tendency very naturally for the men who were working the nine or the ten-hour day to expect the same consideration. I do not deny that at all.

Mr. ROBERT C. HAYDEN. I simply want to recall to you that you stated to the Senate committee, in reply to Mr. Payson, that a strike would inevitably be the result.

Mr. O'CONNELL. In time; yes.

The ACTING CHAIRMAN. Mr. O'Connell said in reply to my question that that is one of the results which they hope will grow out of the bill.

Mr. O'CONNELL. There is no doubt about that, Mr. Chairman.

Mr. GOMPERS. Mr. Chairman, I would like to have Mr. Fuller, representing the railroad men, address the committee.

The ACTING CHAIRMAN. Before that, I would like to inquire of the members of the committee how long they wish to sit.

Mr. CONNER. How long a time is expected to be consumed by the advocates of the bill?

Mr. GOMPERS. I am not aware as to the arrangements that have been made as to time.

Mr. O'CONNELL. There was really no arrangement made.

Mr. GOMPERS. If I knew how much time had been allotted to the opponents and the proponents of the bill I would be in a better position to state how long we wish to take.

The ACTING CHAIRMAN. I will say, Mr. Gompers, that one day which was expected to be allotted to those in favor of the bill was used by the opposition. I have no doubt the committee would be willing to add a day to the time of those who favor the bill, if it is desired, in order that they may all be heard.

Mr. GOMPERS. For the purpose of facilitating the convenience of the committee, I would say that we have no desire to prolong the hearing.

The CHAIRMAN. Then we will close to-morrow.

Mr. GOMPERS. I understand that Judge McCammon, or Mr. Hayden for Judge McCammon, will make the closing argument for the opponents of the bill, and that we will close to-morrow.

Mr. ROBERT C. HAYDEN. On that point, Mr. Chairman, I would like to say that Mr. McCammon is absolutely unable to be down to-morrow, and, while we do not want to make any request for an extension and appear to be acting in bad faith in the matter, that is our position. Mr. Hayden, his partner, is in New

York, and can not get back until some time to-morrow. If the proponents of the bill wish to take to-morrow, as far as we are concerned, they can have all of it.

Mr. CONNER. Mr. Chairman, I expect to leave here on Sunday morning, to be gone for two or three weeks, probably. If any action is to be taken on the bill and I am to take part in it I will have to do it to-morrow.

Mr. GOMPERS. So far as we are concerned, Mr. Chairman, we are satisfied with the present arrangement.

Mr. SPALDING. I am obliged to go in the House now, but I have no objection to this proceeding going on.

Mr. GOMPERS. As you know, we have tried right at the outset to avoid the necessity of prolonging the hearing. We have taken very little time. Now, we want to hear all the arguments by those who are opposed to the bill in order that we may meet any statement that may be made. The arrangement, as I understand it, was that the committee would close the hearing to-morrow. While Judge McCammon, of course, is entitled to every consideration, particularly if he is ill, and while Mr. Hayden is entitled to consideration, I think, in view of all the time that has been taken, in view of all the opportunities that have been given in former Congresses as well as in this Congress and before this committee, the time set for the closing of the hearing should be strictly adhered to, and that the opportunity for the advocates of the bill to close may also be adhered to.

As far as we are concerned, we desire to take perhaps not more than two hours all told, and we shall endeavor to confine the statements we propose to make within that limit of time; but we want the advocates of this measure to have the last word.

Mr. ROBERT C. HAYDEN. It is understood, I believe, that it is the legal side of the question that we wish to take up and submit. There have been one or two points upon which members of the committee have asked questions, and the recent Supreme Court decision has been suggested as bearing upon this bill, and such matters as we do wish to take up may require some little preparation. It is possible that Mr. Hayden would be able to be here to-morrow. I shall telegraph him if the committee decide positively that they can not sit beyond to-morrow, and if he can come, he will do so.

We are very anxious to submit that side which has not been treated here; but Mr. Gompers is right in suggesting that the committee has been very fair in its hearings. It has, indeed; and we dislike to ask for any extension of time and would not do so under any other circumstances.

The ACTING CHAIRMAN. If the Judge is too ill to appear to-morrow, I suppose there will be no date set when he could appear, so we might delay for a week.

Mr. ROBERT C. HAYDEN. His partner will appear any day next week that may be designated.

The ACTING CHAIRMAN. Can not his partner appear to-morrow?

Mr. ROBERT C. HAYDEN. I say he is out of town and will not get back until some time to-morrow.

Mr. GOEBEL. You say Judge McCammon is sick?

Mr. ROBERT C. HAYDEN. Yes, sir; he has been sick for a week or more.

Mr. CONNER. Have any of you prepared a brief upon the constitutional aspect of the question?

Mr. ROBERT C. HAYDEN. That is it, sir. The brief has not been prepared. Mr. McCammon had started on that when he was taken sick, and he turned over his notes and authorities to Mr. Hayden, his partner.

The ACTING CHAIRMAN. It could be put into the hearing, where the members could look it over as well as to listen to it?

Mr. DAVENPORT. Mr. Chairman, it was my expectation, at the suggestion of certain gentlemen who are interested in this matter, to present to the committee an oral argument directed to the constitutionality of the bill. I supposed that would be taken up to-morrow, and that a short time would be allowed to anyone who desired to present such views, and I desire to be heard upon that subject. I can just as well be heard to-morrow as any other time.

The ACTING CHAIRMAN. The business of the House may be such to-morrow that we may not be able to find the time.

Mr. DAVENPORT. So far as I am concerned, so long as there is one member of the committee here and the stenographer, it would answer my purpose. I am unaccustomed to prepare written arguments. I am accustomed to present my views upon legal questions orally, as probably more satisfactory to the tryer and to the opposing party.

The ACTING CHAIRMAN. If it is the desire of the committee to take a recess until half past 2 this afternoon and devote another hour or hour and a half to the hearing of gentlemen who favor the bill, we will do so at this time.

Mr. GOMPERS. Mr. Chairman, there are two or three gentlemen whom I would like to have make statements to you of their experience and their knowledge of the general effect in the reduction in the hours of labor in their trades, the material improvement and the moral improvement of the men and their character and the better relations that have resulted.

Mr. GOEBEL. Then let us hear them this afternoon at half past 2.

Mr. CONNER. Could we not give all these people a chance to be heard this afternoon?

The ACTING CHAIRMAN. I thought if we could give the gentlemen here who wished to present the practical side of this matter an hour and a half this afternoon, they could get along fairly well. Then we would let those who have legal arguments to present start in to-morrow and doubtless conclude.

The committee thereupon took a recess until 2.30 o'clock p. m.

STATEMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. GOMPERS. Mr. Chairman and gentlemen of the committee, Mr. Gardner, the chairman of the committee, stated that I requested that a meeting of the committee might be called for the purpose of hearing the representatives of the interests of labor, or the representatives of labor in matters of interest to the wage-earners of the country, not necessarily for hearings in the generally accepted sense of that term, but rather that we might urge upon the committee, as briefly as we can find words to state what we have in mind to say, the necessity for legislation, the necessity for the enactment of some of the bills which are now before this committee. I take it, of course, that it would not be appropriate to discuss matters or measures or bills that are in the hands of other committees of Congress, but there are a number of them in the hands of this committee, the Committee on Labor, and we are strongly desirous that the Committee on Labor of the House, that the House itself, that Congress shall pass bills which are pending in this Congress and which have dragged a very weary existence through several previous Congresses. Among them I think I should urge the enactment of the eight-hour bill introduced in the House by the chairman of this committee, Mr. Gardner.

The child-labor law, which, although it has now passed the House and is now in the hands of the Committee on Education and Labor, was received by that committee, and, as passed by the House, in such form that it is practically incomprehensible and contradictory in the very terms. I had the pleasure of appearing before the Senate Committee on Education and Labor when the committee had that bill under consideration, and the Senators in attendance expressed themselves as entirely favorable to the bill. They wanted to have the bill properly formulated to mean something, and to be enforceable, to eliminate the objectionable or contradictory and meaningless terms. I take it therefore that the Senate is in a mood to pass that bill, and I trust that if it is passed in anything like a tangible form, having some meaning, that it may receive the support of the members of the House constituting the Committee on Labor, and thus secure the enactment of such a bill.

Mr. GOEBEL. Is there a copy of that bill here?

Mr. GOMPERS. I do not know that it is here as passed by the House, but my attention was called to it by the contradictory terms in the bill which was referred to by Senator Clapp in the committee, and there was no escaping the conclusion that the bill certainly needs amendment and change.

The CHAIRMAN. Let me interrupt you here to say, if it has any bearing, the child-labor bill has never been before this committee, and on its return from the Senate it will not come before this committee. That bill was referred to the Committee on the District of Columbia. The District of Columbia Committee considered it and reported it, and under their management it was passed. It being a District matter, Mr. Cannon referred it to the District Committee.

Mr. GOEBEL. I never saw it, and that is the reason I asked if it was here.

Mr. STANLEY. It is the bill 17562 that Mr. Gompers refers to.

Mr. GOMPERS. While attending the Senate committee, suddenly the discussion arose in regard to the child-labor bill, or rather the investigation into the extent of the labor of women and children, and I gleaned that there was some objection to that bill, to the Senate committee having that bill under consideration, for

the reason of the indefiniteness of that bill as reported to the committee and passed by the House, for the reason that it did not stipulate the salaries and the parties to receive them; that it was too indefinite, and there would be objection on that score.

The CHAIRMAN. Not to interrupt you, let us get clear our position. The child-labor bill was referred by the Speaker to the District Committee, and that committee retained jurisdiction of it until its passage through the House, and it went to the Senate. About that bill we know nothing in our records here.

As to the bill that did go through the House, this is the history: The President, in his message, recommended an investigation by the National Government, intended to be sociological, of the child-labor question and the woman-labor question. Mr. Gardner, of Massachusetts, introduced a resolution reading as follows:

*"Resolved, That the Secretary of Commerce and Labor be, and he is hereby, requested to investigate and report on the condition of child labor under 14 years, wherever employed, and to furnish to the House of Representatives a complete statement as to the various State laws regulating child labor and the effectiveness of their enforcement."*

Taking all the papers together, this committee substituted a bill for a national investigation of the child-labor question, but that has no relation to the child-labor bill for the District of Columbia, which has passed, and is now in the Senate. The bill which passed this committee for the investigation of the women and child labor questions is still on the Calendar of the House, and has been made a special order.

Mr. GOMPERS. It was because of the previous statement by you, Mr. Chairman, in regard to this matter that I passed this entirely over, and then came to the suggestion of this bill, which passed this committee and is reported to the House.

Mr. GOEREL. For the investigation?

Mr. GOMPERS. The investigation. I will say that the same bill is, in effect, before the Senate, and I heard such criticism made of it, and the reason that I mention it is that if it may occur to the committee that if the criticism is justified it may be changed, in order not to encounter that opposition, either when the House bill goes to the Senate when it passes or when the Senate bill may come to the House.

The CHAIRMAN. Let us determine if that criticism is fair. We think it is not. This bill (H. R. 17562) reads as follows:

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed"—there is nobody to receive a salary there. That is, the Secretary of Commerce and Labor—"to investigate and report on the industrial, social, moral, educational, and physical conditions of women and child workers in the United States wherever employed, with special reference to their ages, hours of labor, term of employment, health, illiteracy, sanitary and other conditions surrounding their occupation, and the means employed for the protection of their health, person, and morals.*

*"SEC. 2. That to enable the Secretary of Commerce and Labor to make this investigation he is hereby authorized to expend the sum of three hundred thousand dollars, or so much thereof as may be necessary, for per diem in lieu of subsistence of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed three dollars per day for their transportation and for the employment of experts and temporary assistants, and for the purchase of materials necessary for said report; and for the purpose of this act the Secretary of Commerce and Labor is hereby directed to utilize, in so far as they may be adequate, the forces of the Bureau of Labor and of the Bureau of the Census."*

Now, that is an investigation to be made by the Secretary of Commerce and Labor through the Bureaus of Labor and of the Census. He is allowed \$300,000 for the per diems of the experts, and it is not possible that there is anything in the criticism that the bill is indefinite in not designating the persons to receive the money, because, as a matter of fact, I suppose it is an open secret that the bill was drawn in the Department as containing every word that they need to carry on the investigation in the most definite and thorough way.

Mr. GOMPERS. I am not making the criticism. I am simply calling attention to the fact that criticism was made, so that you may know what you have to meet in the matter.

The CHAIRMAN. Yes.

Mr. GOMPERS. We ask that the committee report the Gardner bill, H. R. 11651. Mr. Chairman, this bill has been before five Congresses; hearings extending over periods of five or six months have been held in both this committee and the Senate Committee on Education and Labor. It was reported favorably by the Committee on Labor several times, and passed the House of Representatives twice. It was reported favorably once by the Senate Committee on Education and Labor, after it passed the House, and only by reason of the Senator who took charge of the bill himself signing a minority report against it was it that its defeat was encompassed. We were at the point of a decisive vote in the Senate upon three different occasions, and we had reason to believe that the bill would have been a law if a decisive vote could have been reached. The only time when the Committee on Labor of the House did not report the eight-hour bill favorably was in the last Congress. In fact, the committee made no report at all upon the bill. Instead, the committee adopted a series of resolutions containing several interrogatories and referred these questions to the Secretary of the Department of Commerce and Labor.

The questions themselves were proposed by the opponents of the bill. At the time that they were proposed attention was called to the fact that they were suggested simply for the purpose of procrastination, of dragging the thing along so that no action could be taken by the then Congress. And further attention was called to the fact that the questions were absurd upon the face and unanswerable. The committee, however, saw fit to take the view of the opponents of the eight-hour bill and adopted the resolution with the questions, and referred them to the Department of Commerce and Labor, and we have seen what the Secretary has said. For convenience and to recall the matter to the minds of the gentlemen who are members of this Congress and who were not members of the last Congress, I just want to read the resolutions as adopted by the committee:

#### RESOLUTION OF THE COMMITTEE.

*"Be it resolved by the Committee on Labor of the House of Representatives, That the Secretary of Commerce and Labor be, and he is hereby, requested to investigate and report upon the bill, now pending in said House (H. R. 4064), entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes," his said report to state his conclusions with regard to the following questions:*

*"1. What would be the additional cost to the United States of the various materials and articles which it customarily procures by contract, which would be governed by the limitations set out in the said bill?*

*"2. What damage, if any, would be done to the manufacturing interests affected by the provisions of the bill if enacted?"*

Mr. DAVENPORT. Would it interrupt you, Mr. Gompers, if I asked you whether the bill there referred to was not an entirely different bill from the bill No. 11651?

Mr. GOMPERS. No. 11651 is the original eight-hour bill, which was introduced by Congressman Gardner, the chairman of this committee, and is the bill for which the American labor movement has stood and which it has advocated. It was changed by the Senate Committee on Education and Labor in the last Congress, and, rather than get nothing, we preferred that; but I think that we have about changed our minds and gone back to the demand of having an effective bill.

Mr. DAVENPORT. But the point is that the report of Secretary Metcalf is directed to an entirely different bill from this bill 11651.

Mr. GOMPERS. As a matter of fact, while the first paragraph of the resolution names the bill, yet the questions have no reference to the bill, but to the essence of the proposition involved and are equally applicable, or inapplicable, to the present bill or to any consideration of the proposition to reduce the hours of labor.

Mr. DAVENPORT. But the solicitor, Mr. Collier, was first asked by him to define the limits of that bill, so that the inquiries might be directed to those matters.

The CHAIRMAN. In what particular does this differ from that?

Mr. DAVENPORT. Oh, in such ways that as I understand the solicitor to say, it narrowed the operation of this bill so much that when the Commissioner came to inquire as to the probable increase of cost to the Government it was

not 95 per cent. In fact, it practically confined it to the shipbuilding and steel-producing interests. I will not interrupt Mr. Gompers any further.

Mr. GOMPERS. Mr. Chairman, the difference in the bill now before this committee and that originally before the committee years ago and the one amended by former Senator McComas, of Maryland, is very small. They are essentially the same. There is different language employed, or certain language omitted in Senator McComas's bill, which we believe ought to be retained in a bill, but I want to say that the questions propounded by the committee were not changed in any particular and had as much reference to the McComas bill of the last Congress or the Gardner bill of former Congresses as to the Gardner bill of this Congress.

Mr. HUNT. Might I ask if this is an exact copy of the bill which passed the Fifty-sixth Congress?

Mr. GOMPERS. I think so.

Mr. HUNT. The same, practically?

Mr. GOMPERS. Yes, sir; practically the same.

Mr. HUNT. If not exactly the same?

Mr. GOMPERS. If not exactly the same, it is practically the same.

Mr. HUNT. Which passed the House in the Fifty-sixth Congress?

Mr. GOMPERS. Yes, sir. I want to make this clear, that on the questions propounded by the committee to the Secretary of Commerce and Labor it would not have made any difference, if the question was that the Government of the United States was to place all industries of our country under the eight-hour day, or if it only applied to one particular industry. The committee undertook to ask questions of economics, and speculative questions—theoretical questions—and it did not make any difference whether it applied to the then bill, No. 4064, or to the present bill, No. 11651. I want to continue reading the questions of the committee.

Mr. PAYSON. Mr. Chairman, may I ask a question of Mr. Gompers here? As Mr. Gompers knows, I am largely interested in this, and so that we may understand one another as we go along I would like to ask him this: Is it your contention that this bill in substance is the bill of the last Congress?

Mr. GOMPERS. Substantially; yes, sir.

Mr. PAYSON. Very well.

Mr. HUNT. With changes made necessary to secure action at the other end of the Capitol?

Mr. GOMPERS. It is the original Gardner bill.

Mr. PAYSON. In substance the bill of last year?

Mr. GOMPERS. I think it is more ample, inasmuch as it is more clear.

Mr. PAYSON. I am not asking that, but I ask you if it is your contention that it is substantially the same bill of the last Congress.

Mr. GOMPERS (reading):

"3. Whether manufacturers who have heretofore furnished materials and articles to the Government under contract would continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by said bill?

"4. What would be the effect of the enactment of the said bill upon the ship-building industry?

"5. What would be the effect of the enactment of the bill, if any, upon the export trade of the country?

"6. Are the laborers of the country, organized and unorganized, who would be affected by the proposed legislation, willing to have taken away from them the right to labor more than eight hours per day, if they desire to do so?

"7. What effect will this proposed legislation have, if any, upon the agricultural interests of the country?"

I wonder whether all the members of Congress have read the answers of the Secretary of Commerce and Labor. It is really most interesting reading. These answers are on page 4 of the report of the Secretary. To the first question the Secretary of Commerce and Labor makes this answer: "It is clearly impossible to give a definite answer to this question."

The Secretary proceeds then to give you his reasons, showing that it is impossible to answer that question. To question 2 his answer is: "This inquiry can not be answered definitely for the same reasons as are stated in connection with the first inquiry."

To question 3 he answers: "This question can only be answered by the contractors themselves, and it is doubtful whether a definite reply could be given by them, etc."

Mr. GOEBEL. Mr. Gompers, I know that he starts in with that sort of thing, but you ought to read on there. He goes on there and he says that there will be an increased cost, and so forth. You do not give his answer in full. It is not because of the difficulty to answer.

Mr. GOMPERS. Let us see. He says in his answer to question 3—

Mr. GOEBEL. Take question 1. He says that it is impossible to give a definite answer to this question, and so on.

Mr. GOMPERS. He says: "It is clearly impossible to give a definite answer to this question."

Mr. GOEBEL. Now he gives his reasons why.

Mr. GOMPERS. Certainly; but they are reasons why it is impossible to answer the question. Hence, does it not seem an unwarranted procedure to ask a question that is impossible of definite answer? That is a matter that I desire to bring to the attention of this committee.

Mr. GOEBEL. But would it not probably follow that the question is so serious a one that it is hard to give a definite answer as to the effect that it would have? It is not because the question is irrelevant or improper, but because of the nature and the circumstances that he could not give a definite answer. But if you will read on, he gives the reasons.

Mr. GOMPERS. The reasons why he can not give a definite answer. His reasons do not change the statement that it is incapable of a definite answer. He supports his statement that it is incapable of definite answer. To question 4 he replies: "This inquiry offers the same difficulties when a reply is sought."

To question 5 his reply is: "This inquiry is likewise not susceptible of definite reply."

To question 6, as to the position of the working people—and this is the only definite answer that he makes or that he says he is capable of making—he replies in this language: "This question has already been answered by the representatives of organized labor who have appeared before the committee from time to time."

As to the seventh question, he says: "The same difficulties are met with in this question as with the preceding questions when a definite reply is attempted."

In other words, the Committee on Labor of the last Congress asked a series of questions which officially were communicated to another Department of the Government, and that Department is compelled to say that the questions are incapable of definite or intelligent or proper answer. And the fact of the matter is that the attention of the members of the committee who voted for that proposition—for those questions—was called to the fact that they could not be answered, and that they were simply submitted by the opposition to the eight-hour bill for the purpose of dragging the thing along through the Fifty-eighth Congress, and in order that the legislation which we sought might be defeated.

Now, there is no additional argument that can be made here before this committee in support of the bill. There is not one additional thought or fact that could be submitted to this committee in opposition to the bill that has not in some form or other been presented at some hearing and therefore is in print in the official records of this committee and of other committees of Congress and of Congress itself. Time and time again it has been my duty, with others—not always a pleasurable duty—to ask the consideration and time of the Committee on Labor of the House to hear what we have to say; and it has not always been a pleasurable duty, either, to be compelled to call attention to the impatience of the working people of our country with the dilatory methods employed either by the one or the other, the negligence, the indifference of some members or parties regarding the interests of labor and the hostility manifested by many and under the tongue of glibness and kindly expression for labor. But when anything tangible was suggested or offered or proposed it was met too often with indifference and hostility.

I am not here, Mr. Chairman and gentlemen, to ask for any hearings upon this bill. We believe that the facts that are obtainable have been obtained either in support or in opposition to the eight-hour bill. The working people of this country want it. They are in earnest about it. And when I say that they want it, I mean not simply as a mere fad or fancy. They want it because it is an absolute necessity to their own well-being and the well-being of our country.

Some men have said that we are indulging in threats, because we have expressed our dissatisfaction with things as they are going with regard to the interests of labor and the affairs in which labor is interested, and we have been held up to scorn and contempt before several committees of Congress because



we dared to say that our patience has been tested to the limit. It has been construed that we have threatened Members of Congress and Senators with our displeasure, if you please, or threatened them that we would try to supplant them with other men representing the people in Congress, and this is the kind of threats about which so much has been said.

For heaven's sake, when has it become a crime or an offense for an American citizen to express his preference for one Congressman or another? I imagine that it is not so grave an offense for the workingmen to exercise their sovereign political power, accorded to them equally with all other citizens, in furtherance of their interests or in furtherance of the principles in which they believe, in the protection of the rights to which they are entitled or think they are entitled. I am sure I am within the limit of truth when I say that the representative men in the organized labor movement have exercised a healthful and a rightful conservative influence over the working people of our country. If you do not believe it, look to other countries.

Mr. HASKINS. Right here let me ask you a question, whether it would not be better for the laboring organizations of the country to quietly exercise their right of suffrage, as all other people do, rather than to send out letters threatening men who are acting under an oath of office in order to induce them to conform to their particular wishes in the enactment of certain legislation?

Mr. GOMPERS. I think the question is scarcely a fair one, for it leaves the inference that the workingmen have done a thing which they have neither a lawful nor a moral right to do, and I deny that the workingmen have done anything of the sort. What they have done is what every other citizen in the United States is expected to do, and that is to ally themselves with those who are similarly situated, who hold similar views, for the purpose of having those interests and those views enacted into laws by Congress. Pray tell me—I might turn the Yankee—what was this movement for the declaration of the gold standard? What was the movement for the maintenance of the free and unlimited coinage of silver? And a man who stood upon the opposite platform was threatened with dire political defeat. We are interested in the matter of our employment, in the matter of our hours of labor, in the exercise of the rights which every other citizen exercises, and we find that Congress has turned a deaf ear to our complaints, to our memorials for relief, to the petitions which we have presented for redress; and the back of Congress is turned against us by negligence or indifference or hostility, and nothing comes from our efforts. What shall we do, continue to come here year after year and year after year and decade after decade and still go back reporting to the men who select us to come here and present their claims, "Defeat, defeat, defeat; nothing accomplished?"

Mr. HASKINS. I understand that the Attorney-General has recently rendered an opinion that the present eight-hour law applies to all Government work.

Mr. GOMPERS. Have you a copy of that?

Mr. HASKINS. I have not.

Mr. GOMPERS. Nor have I.

Mr. HASKINS. I have seen a copy of it within the last two weeks.

Mr. GOEBEL. No; he said that it applies to the Canal Zone.

Mr. MORRISON. That did not do very much good, though.

Mr. GOEBEL. That is what you have reference to?

Mr. HASKINS. Yes; I suppose so.

Mr. GOMPERS. There are several things in reference to that, and I am glad that is brought up for this reason, because it matters a great deal what suits Government work. The purpose of this bill is to reach the work done by contract and subcontract, affecting those things which can not be bought in the open market. But shall we be compelled to depend upon the varying influences and varying conceptions and varying interpretations? We want something a little more substantial; and as for the eight-hour law in the construction of the Panama Canal, the first great work, the first one great undertaking, or, rather, one of the great undertakings that our Government proposes to build, the eight-hour day so far as it applies to foreign laborers is not operative. And who is there who is going to complain now? What American workman who may be there and who may be called upon to work in excess of eight hours is going to complain? Who is going to complain? If they complain there it means simply the absolute loss of their situation; and, as I say, the eight-hour law, the first eight-hour resolution of Congress was not only a means for the shortening of the workday, but it was a declaration of an economic principle established by the Government of the United States, and that principle has

been destroyed or vitiated—not destroyed, but vitiated to a considerable extent—by the action of Congress.

Mr. GOEBEL. It was suspended.

Mr. GOMPERS. Yes; suspended. That will do just as well as any of them.

Mr. HASKINS. You understand, do you not, that Congress can not enact any law but what it is subject to interpretation and construction by the courts hereafter?

Mr. GOMPERS. I understand that very well, and it has seemed to me that inasmuch as Congress does not mind to take a chance as to the constitutionality of a measure when it affects other interests, I do not see why this continuous harping upon judicial interpretation and constitutionality as to measures that have for their purpose the benefiting of so large a mass of the people as the wage-earners are.

Mr. STANLEY. As I understand it, Mr. Gardner, you prepared this bill with great care. I do not think there is any question but what this bill is clearly within the right of Congress. There is no serious question but what you have a constitutional right to circumscribe the hours of labor on Government work, or to define what Government work is, as has been done in this bill.

The CHAIRMAN. I do not know whether that is seriously disputed by anybody, now. I think very generally the position has been abandoned.

Mr. STANLEY. Of course, what you want to do is to get a bill through, and then what the courts will do with it is another thing.

Mr. GOMPERS. Yes; we will take our chances with the courts. There is considerable discussion and rumor as to when Congress will adjourn. Of course we understand that Congress may adjourn, and any bill that is unadopted or which is not passed in this first session may be adopted or passed in the next session. I do not think that Congress ought to adjourn this first session without passing that bill and having it become a law. I urge it, and I trust that the members of the committee may see the wisdom of so doing.

I said that the report of the arguments in extenso, with testimony to a very great length which was submitted, are all in print. In those committee hearings the last Congress was urged to pass this legislation, and we said that we were perfectly satisfied that the committee might take a vote upon the bill without a word from us on the subject and submit our case upon the record, upon the arguments and facts submitted in former Congresses. We do not want to add anything more. I am sure there is not a new thought, there is not a new fact, that can be submitted by the opposition.

Mr. STANLEY. Are there any new conditions—I mean interests—that you would like to present to the committee?

Mr. GOMPERS. I have not really any desire to do that now. Of course if the committee should so decide to undertake hearings or arguments, I presume that we should be compelled to submit. But we shall do so then very reluctantly. We do not want to take up the time of the committee, and we do not want to burden your record. The facts, the theory, and the arguments are all in print.

Mr. HASKINS. There is nothing additional?

Mr. GOMPERS. There is not anything in addition that we care to present other than what is already in print. We might present facts anew, but they would simply support the first contentions. We might make another argument or arguments and clothe them in different language, but in their essence they would be the same. I trust that the committee may report the bill.

Mr. DAVENPORT. In the original Gardner bill which has been introduced at this session, and which you ask the enactment of now, in lines 12 and 13 on page 1, it is provided that no person "shall be required or permitted to work more than eight hours in any one calendar day." In the bill that was before this committee at the last session, the bill as it is in the report made by Secretary Metcalf, are these words, the language used is: "Shall be required or permitted to work more than eight hours in any one calendar day upon such work." Now, we are not novices in this discussion. The insertion of the words "upon such work" was made, of course, after a great deal of discussion before this committee and before the Senate committee. Do you object to the insertion of those words in the Gardner bill?

Mr. GOMPERS. I think that the Gardner bill with those words omitted should be enacted. I think that to make it an effective bill, to make it an effective law, those words should not be retained.

Mr. DAVENPORT. That is, that the words "upon such work" should not be inserted?

Mr. GOMPERS. Be not inserted.

Mr. DAVENPORT. Then, it is your desire to have a bill enacted which will require the contractor to stipulate that no workman working upon any part of the work contemplated shall be required or permitted to work more than eight hours at all in any one calendar day?

Mr. GOMPERS. In his employ.

Mr. DAVENPORT. In his employ.

Mr. GOEBEL. Does not that refer to the contract?

Mr. DAVENPORT. It does not; that is the precise point.

Mr. GOEBEL. Can it mean anything else but the contract?

Mr. DAVENPORT. It is in the contract, but the question is whether the man stipulates that no employee of his shall work in any one calendar day more than eight hours.

Mr. GOEBEL. On that contract.

Mr. STANLEY. That is, four hours might be upon the Government work and six hours upon some other work.

Mr. GOEBEL. Under the contract.

Mr. STANLEY. The only way it could affect it would be that they would work him eight hours on that contract and two hours on something else.

Mr. GOEBEL. It would not apply.

The CHAIRMAN. That language is lifted bodily from the act of 1892, which had been in effect for a number of years, but we propose to pass this, under which no difficulty of the kind suggested has arisen. We have got this law today on the statute books, with this exception. The present law limits its operation by its own terms to the public works of the United States.

Mr. GOEBEL. Undertaken by the Government?

The CHAIRMAN. No; to the public works of the United States, and it applies there. So that the whole difference between this bill and the existing law hinges upon the construction of "public works," which, in its turn, hinges upon the ownership of the land on which the work is being done. That, I think, has been held. But this is the act under which our post-offices and custom-houses and every public work of the United States is being built:

"The service and employment of all laborers and mechanics who are now or may hereafter be in the employment of the Government of the United States or the District of Columbia by any contractor or subcontractor upon any of the public works of the United States, or said District, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any contractor of such laborers and mechanics to require or permit any such laborer or mechanic to work more than eight hours in any one calendar day."

I simply cite it to show that when that bill was formulated here we were not adopting anything new, that we were lifting bodily the law under which every public building in the United States was being erected.

Mr. GOMPERS. I would say that I would like, in turn, to ask Mr. Davenport a question: Whether the adoption of the words "upon such work" in this bill would make any difference in his attitude to the bill?

Mr. DAVENPORT. Well, I do not think it would.

Mr. GOMPERS. I do not think it is necessary, then, that I should go any further.

Mr. DAVENPORT. I wanted to direct attention to the fact that it makes a very material difference as to the scope of this bill, if a man contracts and gives a bond to permit a person to work more than eight hours a day, and it is not limited in its scope to the work that he is doing upon that particular contract. It makes some difference.

Mr. GOEBEL. But how could he give the bond? A bond has reference to the contract.

Mr. DAVENPORT. Yes; and the attempt, as we understand it, on the part of the proponents of this legislation, is to force every employer of labor who does work for the Government within the provisions of the bill, to prevent him, I might say, from having his men work more than eight hours a day for him.

Mr. PAYSON. Upon any other work than this.

Mr. DAVENPORT. Now, I would ask Mr. Gompers if there is any objection on his part to the insertion of the words "upon such work?"

Mr. GOMPERS. I do not know that the question is really material information to the gentleman who has asked it. He is not going to change his attitude toward this bill one iota, and I do not see any necessity for my answering his question at all. Of course if a member of the committee should ask that question, that is a different thing.

Mr. DAVENPORT. I would ask him if these words inserted in the bill No. 4064, "nothing in this act shall apply to contracts for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not," would meet with his approval—whether there is any objection to the insertion of those words?

Mr. GOMPERS. I advocate the bill as it is.

The CHAIRMAN. The following phrase is new—

Mr. DAVENPORT (reading). "Materials or articles?"

Mr. GOEBEL. Is it not in substance the same?

Mr. DAVENPORT. No. Senator McComas said that in his opinion it would limit its operation to only 5 per cent of the work that was done for the Government. Now, that insertion was made after prolonged discussion before the Senate Committee on Education and Labor and before this committee. The difference between the two bills in that respect—

Mr. STANLEY. What are the lines?

Mr. DAVENPORT. Line 21 is the old Gardner bill:

"Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not."

Mr. STANLEY. That is in this bill?

Mr. DAVENPORT. Yes, sir. The way it read in bill No. 4064 was:

"Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market, whether made to conform to particular specifications or not, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not."

Now, what I want to ask Mr. Gompers is whether he objects to the insertion of that clause "and for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not?"

Mr. GOMPERS. I do not think it is possible in this fashion to say whether I should be in favor of or opposed to any particular proposition to be inserted or to be omitted in the bill; but I say in a general way, and as strongly as I can say it, that we want the Gardner bill. I imagine that there will be no objection to the insertion of the words "for the transmission of intelligence," if that is essential; but if my conception of the bill is right, I think that is covered in the very terms of the Gardner bill. That is, the language is unnecessary. We exempt the railroads and transportation companies, the common carriers, from the operations of the bill. You know that the representatives of the railroad workmen of the United States are asking Congress for a law limiting their hours of daily labor.

Mr. PAYSON. To how much?

Mr. GOMPERS. I think to eight.

Mr. PAYSON. To sixteen hours. Sixteen hours, as was stated by Mr. Fuller in a discussion which I had with him day before yesterday before the House Committee on Interstate and Foreign Commerce.

Mr. GOMPERS. And I take it that you are opposed to that?

Mr. PAYSON. Yes; but not on that ground.

Mr. GOMPERS. Undoubtedly you are opposed to it.

Mr. PAYSON. Let us be frank about it.

Mr. GOMPERS. Yes; of course you are opposed to anything of that sort. Mr. Davenport called attention to the statement made by former Senator McComas that the provisions of his bill would cover about 5 per cent of the Government's work, and yet Mr. Davenport did not cease his antagonism to it. It does not make a particle of difference what proposition labor may make, what suggestion it may make to secure some Government relief, it will meet with the same opposition. A few weeks ago we saw the news flashed across the continent that a railroad telegraph operator had fallen asleep at his post and two trains smashed into each other, killing the human freight. It was not stated, though, that this man had been constantly at the keyboard for more than two days.

Mr. PAYSON. Are you referring to the Colorado disaster?

Mr. GOMPERS. It was just about two months ago; less than two months ago.

Mr. PAYSON. Yes.

Mr. GOMPERS. The operator did not know what had occurred. He was aroused and told that this calamity had occurred, and he said, "Yes; I was asleep."

Mr. STANLEY. Do you not attribute the failure of this Government to exercise any sort of control over the hours of employment to that very condition? Do you not believe that there can be attributed the great mortality among both passengers and employees on the railroads of the United States over that on other railroads of the world giving similar service to that?

Mr. GOMPERS. I have not the slightest doubt.

Mr. STANLEY. I believe that there are about 500 per cent more deaths on railroads in the United States than in almost any other country, or about as many as in all the rest of the world put together.

Mr. GOMPERS. Yes; and I say in spite of the fact that in recent years there has been a little conformity of the railroad companies to the uniform coupler law, which law was opposed. I do not know that Mr. Davenport opposed it or that Judge Payson opposed it.

Mr. PAYSON. In a way I did.

Mr. GOMPERS. He opposed it, of course, or if he did not oppose it his prototypes would oppose it.

Mr. MORRISON. The same interests.

Mr. GOMPERS. The same interests. The human slaughter would go on.

Mr. PAYSON. No; that does not follow at all.

Mr. GOMPERS. No; of course it does not follow from your viewpoint. Gentlemen, there are new conditions of industry in our time, and the working people, so far as they can, in their organizations undertake to improve or to protect their economic condition. There are certain things over which they can exercise no power of enforcement other than through the state—the state, as represented by the Congress and the President, in their enacting power. We can not change the conditions of industry. They must have the fullest opportunity of growth and development. There is no disposition on the part of the working people of our country to interfere with that, but rather their disposition is to encourage the fullest industrial development. In the matters which can be only determined, in which relief can be only obtained through legislation, we come to the Congress of the United States.

Mr. RAINEY. I understand that upon many of these questions several labor organizations are divided. Upon this question of eight hours for labor, is there any division among labor organizations in this country?

Mr. GOMPERS. Not any.

Mr. RAINEY. Do you know what the attitude of European governments has been to this question of eight hours for labor?

Mr. GOMPERS. Yes, sir. In England, in France, in Germany, in Russia the tendency is in that direction. And no matter what form of government obtains in any country, the demand of the workers of modern times is universal for the eight-hour workday. There is not any difference of opinion among any of the working people the world over upon that subject. The idea of men saying that the workmen want their right of working longer, that they do not want that right taken away from them, is preposterous.

Mr. HASKINS. Do you mean to include in that statement unorganized labor as well?

Mr. GOMPERS. Yes; unorganized labor. You may perhaps have noticed that in any statement I have made I have tried to express myself as voicing the sentiment of labor among the working people. It is true that some men have said and may say again that there are only 3,000,000 organized workmen in the United States. There are some who erroneously, then, make this comparison and say there are 80,000,000 people in the United States, and by inference we represent a number which is as three is to eighty; but they fail to have any conception of the fact that these 3,000,000 have wives and children also; and, as the old, trite saying is, "Where God gives children he also gives bread," but as a rule those who have the most bread have the least children, and those who have the least bread have the most children.

Mr. PAYSON. The men having the children would not trade them off for bread.

Mr. GOMPERS. No, sir; we are not engaged in that traffic. That may be a better policy to pursue for those who care less for human life than they do for money.

Mr. PAYSON. I only made that remark facetiously. I know that you have children yourself—

Mr. GOMPERS. Yes; I have five grandchildren—bless their hearts.

Mr. PAYSON. I would be glad to trade some bread for children myself.

Mr. HASKINS. Does this apply to the laborers upon farms, those who are employed in that class of work? Is that the general sentiment of the laborers on farms, that they demand an eight-hour day?

Mr. GOMPERS. I only say this, that wherever they have had an opportunity of expressing themselves that has been the desire, and, secondly, there is this fact, that under the modern conditions of agriculture they do not work so many hours as they formerly did.

Mr. HASKINS. That is so. I used to work on a farm myself ten to fifteen hours a day.

Mr. STANLEY. You are making no fight here to have any legislation looking to the regulation of the number of hours that farm laborers should work? The conditions are different among the manufacturing interests from what they are among farm laborers. I represent an agricultural district, and there are times when a farmer is bound to work more than eight hours, and then there are rainy days when he can not work at all.

Mr. GOMPERS. This bill has no application at all to farm hands.

Mr. HASKINS. You are speaking of the general sentiment of the wage-earners as applied to all classes?

Mr. GOMPERS. Yes.

Mr. HASKINS. That is why I made the inquiry.

Mr. GOMPERS. No one expects that conditions are going to remain as they are and that the workmen are simply going to submit to the tender consideration of the employers, of the great companies and corporations and trusts, which control industry to such an enormous extent. What are we going to do? We organize, and they tell us, "Well, organize; but if you manifest any desire to protect yourselves in the ordinary ways that other men protect themselves in, then we will deal with you;" and we are dealt with exceptionally as a class, not under the regular, ordinary judicial proceedings as laid down in the laws of our land and our States. We come to Congress, and every effort made is opposed. I suppose that there will not be very much opposition to a child-labor bill for the District of Columbia. It is so easy, you know, to enact legislation for the protection of the children of some other land. It is so easy to adopt a proposition that will affect some one else.

I have made the statement before this committee several times and before other committees of Congress and of our State legislatures—and it is more justified to-day than ever at any time when it was uttered—that it does not make a particle of difference whatever labor may do on any field of action for the purpose of protecting its interests, it is going to meet with the bitter antagonism, not only of the greedy and the greediest of the employers, but by their retained attorneys they will antagonize it, the latter of whom are very much more zealous in their opposition than are the men who retain them. It has been my duty to appear before the committees of Congress for thirty years, and before committees of the legislatures of the various States, of a number of States, and I never yet have seen a bill introduced that sought and had for its purpose the slightest relief for the working people—men, women, or children—but what it met the bitter, unrelenting opposition of the employers' counsel. This was true of the child-labor legislation of New England, of the Middle States, of the West, of the South, and is still true of several States in the South, and it is true in trying to secure some amendments or changes that time has shown to be essential in order to protect the children from the modern conditions of industry.

Mr. GOEBEL. It is hoped now, Mr. Gompers, that when Congress passes the bill that the committee recommended for an investigation that it might throw some light on the legislation, so that relief might be had there.

Mr. GOMPERS. I believe that these investigations ought to be undertaken.

Mr. GOEBEL. We think so.

Mr. GOMPERS. Yes; and I am in entire accord with the thought and with the project. But it is not the first investigation undertaken by Congress without any tangible result at the hands of Congress. Remember, for instance, the investigation undertaken by the committee of Congress headed by the Hon. Abram S. Hewitt, of New York. Remember the investigation undertaken by the Senate Committee on Education and Labor. You will remember, also, the Industrial Commission; and a bill which the Industrial Commission proposed for the elimination of the evils resulting from convict labor has been shelved ever since. Not one bill has passed Congress as the result of either of these investigations, and yet I say I am in favor of them. These investigations furnish the facts upon which legislation can be based.

Mr. HUNT. This committee has favorably reported a bill such as was advised by the Industrial Commission. The committee here within the last month has reported the identical bill which passed the House at the same time that your present eight-hour bill passed in the Fifty-sixth Congress.

Mr. GOMPERS. Yes. I did not say—at least, if I did so, I did not mean to say—that a bill did not pass the House. I desired to say that a bill was not enacted.

Mr. HUNT. Into a law?

Mr. GOMPERS. Yes.

Mr. HUNT. Oh, yes; that is true.

Mr. GOMPERS. I remember that the Committee on Labor reported the bill favorably—the bill drafted by the Industrial Commission.

The CHAIRMAN. The convict-labor bill. It was recommended by the Commission.

Mr. GOMPERS. That was it. It was recommended by the Commission and drafted by the chairman of this committee, to be more accurate. It was reported favorably, passed by the House, and died in the Senate. Of course it does not matter very materially so far as progress is concerned whether a bill passes one House and dies with the Congress. There is not one bill which has been enacted as the result of these investigations. But I am in hopes. I have never given up hope, Brother Hunt.

Mr. HUNT. I am glad to hear it.

Mr. GOMPERS. When I give up hope I want to lie down and die.

Mr. HUNT. Hope long deferred maketh the heart grow sick.

Mr. GOMPERS. It may be made very tired, but never sick. The workingmen of the United States are not less intelligent than the workmen of other countries. They know their rights, and they propose to exercise them in spite of the fact that an effort has been made to browbeat them, or to browbeat them through their representatives, their chosen representatives, when we have said that we ask this relief, and that we are going to appeal to the sympathy and the support not only of our fellow-workingmen, but our fellow-citizens in every other walk of life, to support us in our contention. How much longer is some man, or, rather, are a number of men, to come here year after year and ask for this legislation? We are workmen, and we are citizens, and we ask you for relief, for this is necessary legislation. These bills are not hastily drawn. I remember the time when my friend Judge Payson came here before this committee and asked whether there was any man in the room or in the country who had the temerity to stand up and say that he advocated and defended that bill. I did have the temerity to say that I defended and advocated it.

Mr. PAYSON. Yes; you did, but you would not do it now?

Mr. GOMPERS. What?

Mr. PAYSON. I will tell you the reason, in a minute, why you would not.

Mr. GOMPERS. Do what?

Mr. PAYSON. Defend the bill now that you defended then?

Mr. GOMPERS. Well, I think that I would defend it. At any rate, I defend the eight-hour proposition. That is what I defend. It does not make a particle of difference to me as to the language employed in the eight-hour law for labor and for the men employed by the Government or by the contractors and subcontractors who do work for the Government. It is not a question as to the terminology of the particular bill. It is the essence. And we do not ask for the eight-hour law to apply to all labor. We come here and say that we will take care of ourselves in our private employment; we will do the best we can. And if we can not do better, well, we will do worse, that is all. We are going to try to do better though, and I think we are going to do better. So far as Government work is concerned, whether done direct or whether done through a contractor or subcontractor, that work, as provided by the bill and within the limits of the bill, we want performed on the eight-hour plan. We believe that Uncle Sam, who is so generous to all else, might be a fair employer, and rather a generous employer.

Mr. STANLEY. I want to ask you one question. I would like to hear you on it for my own information. What will be the moral effect upon other laborers of extending to its ultimate extent this eight-hour principle in Government work?

Mr. GOMPERS. It will have the influence to make the eight-hour workday applicable through the industries of America. In Australia the workmen have had the eight-hour day since 1856. Only a short time ago they celebrated the half centennial, the semicentennial, of the universal eight-hour day obtaining there. There is not any establishment, any industrial establishment, the world over that has worked under the eight-hour plan for five years that would want to go back to a longer workday. And if necessary, so far as administration, so far as rents, so far as land, so far as operation expenses are concerned,

really there is no reason why plants could not be operated under three shifts of eight hours each, if essential.

I have had some correspondence for a number of years with the heads of Departments in regard to the eight-hour workday and violations of the law, and their attention has been called to the fact that there has been no serious effort made for the enforcement of the law. Its violations have been continuous. Some men say that this kind of work, specifying the nature of the work, is emergency work, and extraordinary emergency. And the contractors employing the men, or the Government direct, under its own officers, are employing these men for nine, ten, and twelve, and more hours a day. It has never occurred to these officers in charge of men that if this is a continuous emergency it can not be an extraordinary emergency, or even if it is there is no reason why two shifts of men can not be employed, each of them at eight hours, and the emergency overcome in that way, rather than by compelling men to work eleven or twelve or more hours a day. They make no such attempt to seriously enforce the law. That was one of the reasons why we presented our bill of grievances to the President and to the President pro tempore of the Senate and to Speaker Cannon.

Mr. HASKINS. Coming back to the bill, in the excepting clause there are two words that seem to have been omitted by Mr. Gardner, and I assume unintentionally, which words are inserted in H. R. 4064, and in every other bill which is in this portfolio in relation to eight hours, and those words are "or articles." For instance, all the other bills read like this:

"Nothing in this act shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for such materials or articles as may usually be bought in open market."

All the other bills have the words "such materials or articles as may usually be bought in the open market."

The CHAIRMAN. That was put in over in the Senate.

Mr. HASKINS. I think it ought to be put in here, unless there is good reason for not putting it in. I was going to ask Mr. Gompers if he had any objection to inserting the words "or articles" after the word "materials."

Mr. GOMPERS. I think it would be very much better to omit it. The word "articles" admits of such wide construction.

Mr. HASKINS. Take, for instance, the Fairbanks Scale Works in my State; they have contracts for the building of scales for the Post-Office Department, usually small scales, and larger scales, and of course those scales can not be bought in the open market, and I think the words "or articles" should be embraced in this bill.

The CHAIRMAN. It was to meet just such cases that the words "or articles" were originally inserted in the Senate. The word "materials" was put in the original bill here.

Mr. HASKINS. Materials are raw materials.

The CHAIRMAN. The reason for not inserting the word "articles" here, and inserting it over there, was that we found in the old hearings that "materials" was meant to cover such things as paper and departmental supplies.

Mr. HASKINS. Those scales are departmental supplies.

Mr. GOMPERS. Then it would seem that it would be unnecessary to particularize and say "articles."

Mr. HASKINS. But I am a little afraid that the word "materials" as it is used here would not include such things.

Mr. GOMPERS. I am free to say that under the provisions of the law I do not think these scales would form a part of such products as would come under the operations of the bill.

Mr. HASKINS. You do not think that scales would come under the operations of the bill?

Mr. GOMPERS. I think not. I am not quite sure. I am not sure of my ground about it.

Mr. HASKINS. If it should, it would break up their entire works entirely.

#### STATEMENT OF MR. SAMUEL GOMPERS, PRESIDENT OF THE AMERICAN FEDERATION OF LABOR.

Mr. GOMPERS. Mr. Chairman and gentlemen, it is not my purpose to enter into any argument in regard to this bill or in regard to the merits of the bill, but being present and hearing the statements and arguments made at the last three hearings, I could not escape its influence. The statement made this morning by



Mr. Hayden would lead the members of the committee to believe that in the Carnegie works the eight-hour day was introduced, and being introduced was found to produce great economic loss, loss of production, and that thereby you are to draw the inference that two shifts of men working twelve hours a day is more economic and more advantageous in the productivity of the laborer, not only in the works to which he referred, but by implication that that is an economic fact in industry. I shall not take up the time of the committee to recall the incidents as they transpired at the former hearings of the committee, but I think it is undisputed by real investigators that the eight-hour day has been, wherever given an ample opportunity, economically advantageous, and that the laborer, per man, has been a greater producer and a producer of better material than under a longer workday. Economy in plant and rent and management, in the introduction of the better, higher developed machines and power is an economic fact which by implication I have heard disputed for the first time this morning.

In one of the hearings of 1902 I come upon a letter which I may read to you. This is on page 208 of the volume of hearings of 1902:

JOLIET, ILL., March 10, 1902.

J. E. RALPH, *Washington, D. C.*

FRIEND JOE: Yours of the 8th instant to hand. In reply will say that this plant has been working eight-hour turns (tonnage men only) for four years at the request of the men, and I believe that it has been a benefit to the plant, as the men work more regular and do not object to being pushed; besides, I believe it has a tendency to make them more manly men in every respect, which I did not believe before we tried it. With best regards, I remain,

Yours, truly,

I. COOK NORTON,

*General Superintendent of the Joliet Steel Works.*

Mr. STANLEY. Not to interrupt you, but while you are on that point, is it not a fact generally conceded by those who have made a scientific study of this question, without regard to any particular industry or any pecuniary interest, that six hours' mental work and eight hours' active manual labor are the maximum that the human body and mind will endure without material detriment to one or the other?

Mr. GOMPERS. Yes, sir. Men speak of farmers working long hours. It is true that farmers do—

Mr. STANLEY. Occasionally.

Mr. GOMPERS (continuing). Work long hours during farming season, and they have considerable siesta at other seasons of the year. Then we often hear of men engaged in mental work and who say that they work from early morning until late at night, and that is very true; but it is for a certain brief period or for a season. And usually men, in the professional classes especially, have long vacations in which they have opportunities for mental and physical recuperation, which, of course, is out of the question so far as manual laborers are concerned. I do not wish, either now or later—I do not know that I will later—at any time before the committee to submit arguments in contravention of what has already been said, or may be said; but, as a matter of fact, except the extraordinary statement by Mr. Newcomb, I want to repeat that there has not been a new fact or a new thought expressed by the opponents of this bill that has not already been expressed in one way or another and in almost the exact same language. The arguments of Judge Payson and Mr. Hayden have been, as they have already said and indicated, simply preliminary to the introduction of evidence, of witnesses, and the presentation of testimony, depositions, and so forth.

Mr. Davenport has indicated his desire to address the committee at length and to then present in some form some depositions or testimony of some sort in opposition to the bill. I will venture to say that after all it will be cumulative. If the committee will consent to have this entered into, it will be cumulative, and a repetition of that which this committee has had several times, and the Senate Committee on Education and Labor has had several times, and which is in print. The opponents of the bill come here with four volumes, covering probably 2,000 or more pages of printed hearings and arguments and testimony. For two Congresses the opponents have urged that this subject-matter should be given an investigation running along even during the interim of the meetings of Congress, or that it be investigated by some Department. I am not sure whether

they suggested the Census, but I do think that they did suggest the Department of Labor, or the Department of Commerce and Labor. A resolution was adopted containing questions that the opponents prepared and submitted, and the investigation was had. That has been printed. The request of the committee was that the answer be made by the Department sometime before the beginning of this session of Congress. I take it that the suggestion or the proposition for such an investigation had in view this fact—that the investigation by the Department of the subjects submitted by their questions would be sufficient, that such a report would be convincing to this committee, and that this committee of Congress could then take up the matter in a comprehensive form with all the data obtainable secured, so that then the committee could take up the consideration of the bill or such bills bearing on this question as the committee desired to favorably report, or to reject; in any event, to determine finally what the policy is, what the views of the members of the committee are or should be relative to an eight-hour law.

MR. DAVENPORT. May I inquire whether the Secretary of Commerce and Labor did not apply to you for assistance in his investigation, and you declined to give him any?

MR. GOMPERS. I declined. I wish that I had a copy of the letter with me.

MR. DAVENPORT. Is it not a fact that you declined to give him any assistance in this investigation?

MR. GOMPERS. I will be glad to answer the question as best I can, but I want simply to make my answer more full than your question would warrant. I declined to assist the Secretary of Commerce and Labor in that investigation for the same reason that I objected to the adoption of the resolution calling for that investigation.

MR. DAVENPORT. The question that I asked was whether you did not decline to give him any assistance?

MR. GOMPERS. Then, I said that I declined to give him any assistance in that investigation and for the same reason that I objected before this committee to the adoption of that policy. And, first, not for the mere sake of consistency, but because I knew then what the Secretary of Commerce and Labor has demonstrated beyond the peradventure of a doubt, that the questions submitted by the committee were incapable of an intelligent answer; and the Secretary so states in his answers to each of the questions, except one, and that has reference to the position of labor. So far as the other six questions are concerned, the Secretary states that each and every one of them is incapable of definite intelligence or comprehensive answer.

MR. HAYDEN. Where do you find that?

MR. GOMPERS. I did not want to burden the hearings with a statement.

MR. PAYSON. Just let me ask you—

MR. GOMPERS. One moment.

MR. PAYSON. I do not want—

MR. GOMPERS. No; no; no. I want to answer that question.

MR. PAYSON. Mr. Gompers, would not this more properly come in when the case is made? That is all that I wanted to ask.

MR. GOMPERS. No; I have been asked a question.

MR. HUNT. Let him go on.

MR. GOMPERS. The first question asked of the Secretary of Commerce and Labor is: "What would be the additional cost to the United States of the various materials and articles which it customarily produces by contract which would be governed by the limitations set out in said bill?"

That is the question. The Secretary's answer to this is: "It is clearly impossible to give a definite answer to this question."

The Secretary then proceeds to give his reasons for his answer, but what I have quoted is his answer.

Question 2 is: "What damage, if any, would be done to the manufacturing interests affected by the provisions of the bill if enacted?"

The answer of the Secretary is: "This inquiry can not be answered definitely for the same reasons as are stated in connection with the first inquiry."

He then proceeds to give his reasons why it is incapable of definite answer.

Question 3 is: "Whether manufacturers who have heretofore furnished materials and articles to the Government under contract would continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by said bill?"

To this the Secretary answers: "This question can only be answered by the contractors themselves, and it is doubtful whether a definite reply could be given

by them unless the bill were actually in operation and they were confronted by the conditions resulting therefrom."

He then proceeds to give his reasons for that answer.

Mr. PAYSON. Now, please read another line or two right there.

Mr. GOMPERS. I will, just to please Judge Payson.

Mr. PAYSON. That is right.

Mr. GOMPERS (reading):

"The majority of those who have expressed opinions, which are tabulated in the report, are confident that they could not continue to contract with the Government if such contracts were within the peremptory eight-hour limitation provided by the bill."

But that simply emphasizes my statement that the Secretary of Commerce and Labor gives that, as he does other matters, in support of his answers that the questions of the committee were incapable of definite answer.

Question 4 reads: "What would be the effect of the enactment of the said bill upon the shipbuilding industry?"

To that the Secretary answers: "This inquiry offers the same difficulties when a reply is sought."

He then proceeds to give his reasons why he can not answer that.

Section 5 is: "What would be the effect of the enactment of the said bill, if any, upon the export trade of the country?"

The Secretary answers: "This inquiry is likewise not susceptible of definite reply."

He then proceeds to give his reasons for his answer.

Section 6 is: "Are the laborers of the country, organized and unorganized, who would be affected by the proposed legislation, willing to have taken away from them the right to labor more than eight hours per day, if they desire to do so?"

The Secretary answers: "This question has already been answered by the representatives of organized labor who have appeared before the committee from time to time."

The only one of these questions that he answers has already been answered.

The seventh question is: "What effect will this proposed legislation have, if any, upon the agricultural interests of the country?"

To that he answers: "The same difficulties are met with in this question as with the preceding questions when a definite reply is attempted."

He then proceeds to give his reasons for his inability to answer the questions, because the questions are incapable of intelligent answer.

I merely call your attention to these facts in order that you may more clearly understand that these arguments and these proposed hearings and the submission of testimony that is proposed to be submitted to you are nothing more nor less than means of delay. I acquit these gentlemen of evil intentions. They are opposed to this legislation, and without aspersing their motives in the slightest, I simply assert that their policy in opposing this bill is to drag out the hearings as long as possible, so that it shall drag on to the close of the Congress, and make it impossible to enact this legislation—make it impossible that Congress shall have an opportunity of voting upon this question. Some gentlemen, members of this committee, have taken umbrage at remarks that I have made. My friend, Judge Payson, has waxed eloquent, and when he waxes eloquent it is a treat to hear. But in spite of his denunciation and rebuke of myself, I am always glad to hear him talk; it is always a pleasure to hear him talk. I think I would be willing to pay to hear him talk upon an interesting subject, upon a subject in which his heart would be enlisted as well as his mind.

Judge PAYSON. You never will have to pay to hear me.

The CHAIRMAN. Get into a lawsuit and it will be legitimate to pay to hear him.

Mr. PAYSON. You can always have a complimentary ticket to hear me.

Mr. GOMPERS. No, no; I would be willing to pay.

Mr. PAYSON. You shall never have to pay.

Mr. GOMPERS. That is one thing that I must decline.

Mr. PAYSON. What is that?

Mr. GOMPERS. I have always declined to accept.

Mr. PAYSON. Complimentary tickets?

Mr. GOMPERS. Yes, sir; of all sorts. But I thank the judge for his good intentions. Some members of the committee have believed that it was my pur-

pose to cast reflections upon them. That was not my intention. It was not my purpose. I simply wanted to call their attention to the fact of the very cleverness of the gentlemen opposing this bill and this species of legislation, and to say under the presumption that their proposition is a fair one, and, superficially taken, it is; when the facts are not known their position is incontestable. They have quoted from or referred to these four volumes of printed hearings and arguments before this committee, dating—the printed hearings—from 1892, and there were many hearings which are not now in print and others that were not taken stenographically, and when all these facts are borne in mind is it not fair to assume that these hearings and these arguments ought to have been exhausted and concluded by this time, and that where matters are in print and easily accessible to the members of this committee, as well as to all members of Congress, their object is to take up time in order that time may be consumed—I will not say wasted, but consumed—and thereby drag to the very death the opportunity of the enactment of this bill?

Gentlemen again this morning, in a milder form, but yet in its essence, made the same statement—that we are desirous of holding a club over you of our political power, to force you by using that political power to support or oppose any given number of men for the purpose of accomplishing this legislation. First, I would say that I do not know that appearing before this committee or before other committees of Congress, we have not tried to maintain ourselves as men with some conceptions of the rights and immunities among men. That we have been disappointed—and bitterly disappointed—is too true, and that we have been disappointed by reason of the ability of the opponents to make it appear to the Members of Congress that all that they wanted was fairness and justice, and simply that they might be heard and simply that they might submit testimony in order to convince you that we are wrong, is true. I venture to say this, that there has not been a committee of Congress, of either this House or the United States Senate, which has sat and heard the arguments of the opponents, as well as the poor appeals that we were able to make, that were not convinced that our opponents were wrong and that we were right; so much so that the Committee on Labor of the House of Representatives three times reported this bill—substantially this bill, the Gardner bill—favorably, and on two occasions the House of Representatives voted by an almost unanimous vote in favor of its passage, and the bill went to the Senate. And, further, there has never yet been a time when the Senate Committee on Education and Labor has had this bill under consideration but what it reported the bill favorably. If this measure had been a new proposition, I grant you, gentlemen, the time ought to be taken in order that a full understanding may be had of the proposition of this bill. I have been quoted time and again by the opponents as to what this bill means, and I have each time given my assent to its broadest interpretation. Let me say this: Judge Payson, at the last hearing, made some statement in regard to five months having elapsed before a hearing of this committee was had upon it.

Mr. PAYSON. Before a hearing was asked for, I said.

Mr. GOMPERS. Was asked for. Let me say that the bill had not been introduced until—

Mr. PAYSON. January 12 was when the Gardner bill was introduced.

Mr. GOMPERS. January 12.

Mr. PAYSON. But the Sulzer bill was introduced the second day of the Congress.

Mr. GOMPERS. I do not think that we want to discuss the Sulzer bill. I do not want to do it.

Mr. HUNT. Mr. Gompers, you will pardon me; I do not like to interrupt you, but we have already gone over our time, and we have forfeited a roll call in the House.

Mr. GOMPERS. I want to revert to one statement that was made, and simply call your attention to it without making any argument upon it, and that is a statement made, I think, by Mr. Hayden, that it is essential to success of a certain process in making a certain product that the men who start the process at the beginning should remain with it until the final result is achieved. That statement was made time and time again by the opponents of the bill and was exploded by the practical men who work in the mills, who showed that under the present operations the changes occur without any loss of any sort in any of the processes to which reference has been made. In view of the statement of Mr. Hunt regarding the time of the committee, I will not say anything more than that now.

Mr. HUNT. Probably we have lost this roll call, and we will have to suspend the hearing now, but it is not from any desire to abridge your statement, or the statements of any other gentleman.

Mr. GOMPERS. I do hope, Mr. Chairman and gentlemen, that the committee may determine to report this bill without any further delay.

(At this point the committee adjourned until Thursday, May 24, 1906, at 10.30 o'clock a. m.)

**STATEMENT OF JAMES H. HAYDEN, ESQ., ATTORNEY FOR THE  
CARNEGIE STEEL COMPANY, BETHLEHEM STEEL COMPANY,  
WILLIAM CRAMP & SONS SHIP AND ENGINE BUILDING COM-  
PANY, AND UNION IRON WORKS COMPANY.**

Mr. HAYDEN. Mr. Chairman and gentlemen, at the opening of his remarks it was suggested by Mr. Gompers that the advocates of the bill had opposed the granting of hearings before this subcommittee on the plea that the measure had been fully discussed in former years and that delay incident to hearings would prevent this bill being reached for consideration in the House of Representatives. I appeal to each member of the subcommittee who has listened to the manufacturers and laborers of the country who have appeared here as opponents of the measure to bear me out in this. Each one of them has been earnest and sincere in his statements; each one has come to you with information that you never had before. A great deal of information has been furnished that the newer members of the committee never had at all; each witness has in good faith endeavored to explain to you what he believes would be the effect of a measure of this kind; that it would be detrimental not only to the interests of the employer, but to those of the employee, and would be deplored by both.

Our testimony has not all been that of employers. They were not men who have always had large means and the control of workingmen and who have been opposed to them as one class might be opposed to another. Almost every one of them had himself risen from an obscure position, from one in which he had performed manual labor. These men spoke to you not only from their experience as employers, but from the standpoint of workingmen. Many of them were able to attribute their success and their advancement in life to the fact that they had been left free and untrammelled to use the faculties with which nature had endowed them. They had the opportunity to work, and save, and learn, and better their conditions. In addition to them, you have heard employees of the Cramp Company, men who are to-day wage-earners and who resent the proposal that their liberty, their right to work as long as they please daily, and thereby earn additional money, shall be taken from them by law—that any law may be passed which will so abridge their liberties.

The two representatives of the Carnegie Company who appeared before you now occupy two of the most prominent positions in the business world. Those men started in life as machinists, or even as helpers, and by their thrift and willingness to work have risen. One of them said that he wanted his son, now entering the employ of the Carnegie Company, to have the same opportunity to work and to succeed in the world as he had had, and not to be deprived of it by any law which would limit his earning power.

Mr. GOMPERS. Will it be an interruption to ask you a question?

Mr. HAYDEN. No.

Mr. GOMPERS. Is it not true that the gentlemen who have appeared before this committee have been and are superintendents and foremen and are not now wage-earners in the sense to which this legislation refers?

Mr. HAYDEN. Mr. Kean, of the Cramp Company, is on the regular pay roll, or the wage roll, of the Cramp Company. He occupies now, and has for a short time, a position as foreman shipwright, but he is a wage-earner, a man who works with his hands, a man whose work would be affected by this bill. If it were enacted, he could not work to exceed eight hours if his employment had to do with the production of a vessel for the Government. The same is true of Mr. Glocker, who said that he might at any time return to his place at a machine.

Mr. GOMPERS. He testified here, on page 217, that he is superintendent of the shops.

Mr. HAYDEN. Yes; but you will find that he said that he could not tell when he might be called upon to return to his work as a machinist.

Mr. GOMPERS. And Mr. Kean says that he is foreman shipwright.

Mr. HAYDEN. Yes; that is true.

Mr. GOMPERS. And Mr. Tucker is the general superintendent of the South Chester Pipe Company.

Mr. HAYDEN. That has come about lately. Every one of those men has, within the recent past, worked with his hands and has been a laborer or mechanic within the meaning of this law. Mr. Glocker, the superintendent of the Cramp shops, has testified that he often takes the place of a machinist to carry on his work. He would therefore be subject to this law. That bears out precisely what I say, that the testimony which has been brought before you does not represent the attitude of what the President terms "predatory wealth," but comes to you from men who have worked with their hands and have attained higher positions in the world by industry and thrift, and who resent the notion of an invasion upon their rights by a measure like the one pending.

Mr. GOMPERS. Just a word, Mr. Hayden. Do you not think that it would be more in keeping with the effort to meet the provisions of this legislation if the wage-earners themselves, to whom the bill directly applies, would appear and express their own views and desires? This effort of the men who have risen from the ranks is very commendable, but I am speaking for the ranks, not those who have risen from the ranks.

Mr. HAYDEN. There would be not the slightest objection to the production here of men who are now drawing daily wages.

Mr. HASKINS. I understand a man came here before us who had been a wage-earner, and a good many of them had been wage-earners.

Mr. HAYDEN. Most assuredly so.

Mr. HASKINS. Just the same as Mr. Gompers was, but now they are on salaries, the same as he is.

Mr. HAYDEN. Exactly. We would have no objection to the production of wage-earners. We brought men of broader experience who could speak from what they had experienced—could view

situation from both sides and give a fairer idea of the relations between employers and employees than a man of narrower experience.

Mr. GOMPERS. Let me just say one word, inasmuch as my name and my position have been brought into question. Let me say that in the case of these superintendents and foremen they may define their own thought as to what the workmen may want. I come before this committee by instructions and direction of the workmen themselves; I have their credentials to speak for them.

Mr. HAYDEN. And I say that the men who have testified before this committee are closer to the workingmen, and have more recently left what Mr. Gompers pleases to term the "ranks" of the workingmen, and who may have only left them temporarily—that they are closer to those men and speak with more authority when they say that the workingmen would resent the invasion of their rights and liberties contemplated by this bill. They would resent the denial of their right to work overtime for increased pay. The measure is not one which would be satisfactory to them in any particular.

Mr. GOMPERS. And in their effort to make such a resentment manifest they frequently go on strikes to secure the eight-hour workday.

Mr. HAYDEN. That does not appear; nothing of the kind.

Mr. PAYSON. Let me interrupt you for a moment, Mr. Hayden. Mr. Gompers, tell me a single instance in this whole Union when there ever was a strike for an eight-hour day in any industrial plant affected by this bill. Give me the name of one.

Mr. GOMPERS. There are numbers of them.

Mr. PAYSON. Do not give me numbers, but tell me one, or let any of your friends who are here tell me, one where there has been a strike for an eight-hour day.

Mr. GOMPERS. The Union Iron Works.

Mr. PAYSON. No, sir; the strike was not for an eight-hour day in San Francisco. There was a threat of a strike that led to this late agreement, but the labor authorities in San Francisco were for a nine-hour day and for a ten-hour day.

Mr. GOMPERS. Then why should the employers propose a gradual reduction in the hours of labor until the eight-hour workday shall be obtained, if that was not one of the contentions?

Mr. PAYSON. You and I both know that the labor situation in San Francisco is not typical of the labor situation in any other portion of this country.

Mr. HOLDER. No; but you asked for one instance. If you recall, on last Friday President McGregor, in reply to one of my questions—

Mr. PAYSON. I was not here.

Mr. HOLDER. Then for your information I will say that Mr. McGregor replied to me that their men and their competitors' men had been out for seven weeks in the city of San Francisco for an eight-hour day.

Mr. PAYSON. I am leaving out San Francisco. I do not know about that.

Mr. HAYDEN. I do not exclude San Francisco. The object of the strike was not to limit the working day to eight hours. Mr. McGregor testified, and it is well known to you, that what the men desired was to get additional wages. They wanted the day shortened

nominally, and then actually to work for nine hours, but to receive overtime pay for the ninth hour.

Mr. PAYSON. And a recognition of the union.

Mr. HOLDER. That has always been the case out there; that is no innovation.

Mr. HAYDEN. The conditions were anomalous. The rebuilding of the city after the earthquake was in progress and the demand for labor was far greater than the supply. The men were in a position to ask for anything within reason or out of reason.

Mr. NICHOLLS. May I just ask a question on that point of Judge Payson? Did you include in the question all employers who would be affected?

Mr. PAYSON. By the operation of this bill, yes, sir.

Mr. NICHOLLS. I imagine you would include in that list, then, all of those who appeared here and claimed that the bill would affect them?

Mr. PAYSON. That is a matter, possibly, of construction, but I will repeat the question, Mr. Nicholls, for the record, and I challenge any friend of this bill in this room to name, within the last seven years, a single instance, in all the strikes that have occurred, with all the disagreeable, not to say terrible, incidents connected with them, a single instance of a strike on the part of any labor organization in a plant affected by the operation of this bill for an eight-hour day; name me one.

Mr. GOMPERS. For instance, the granite cutters.

Mr. PAYSON. No, sir; the granite cutters are not affected by the operations of this bill, as conceded by Senator McComas and the entire Senate committee; by Mr. Gardner, the chairman of this committee, and every member of the committee who has talked upon the subject.

Mr. GOMPERS. But which you undertook this morning to demonstrate was erroneous.

Mr. PAYSON. I think it is erroneous, but I am repeating what the friends of this bill are claiming. I repeat the question again.

Mr. NICHOLLS. The reason I asked the question was that there was an association of builders here one day before the committee, a large number of them, from Baltimore, and later on some other number of employers who had to do with contracting for the erection of public buildings, and so forth, who claimed that this bill would interfere with their contracts and their subcontracts.

Mr. PAYSON. Yes, sir.

Mr. NICHOLLS. So I wanted to know whether or not those men were included in that question.

Mr. PAYSON. Yes, sir; they are structural-iron workers.

Mr. GOMPERS. Bridge and structural-iron workers—they struck not more than three years ago for an eight-hour day.

Mr. PAYSON. In New York City?

Mr. GOMPERS. No; throughout the country.

Mr. HAYDEN. Where? What plants?

Mr. GOMPERS. Bridge and structural-iron workers.

Mr. HAYDEN. What plants?

Mr. GOMPERS. I have said practically throughout the United States.

Mr. HAYDEN. We should have more definite information on that point. It is hard to rebut so general a statement. Before we leave



the San Francisco situation I shall comment on the papers presented to-day by Mr. Gompers. He has handed a letter to the committee with reference to Mr. McGregor's testimony. It purports to give the substance of the testimony, but on comparison will be found erroneous. He has handed in also an unsigned paper which is offered as a copy of the agreement recently entered into by the metal trades of San Francisco and their employees. The copy is incomplete and is not verified in any manner. Before the conclusion of these hearings I want the privilege of looking over that paper and putting in a correct copy if I find this one erroneous, or if I find that it is not the agreement to which Mr. McGregor referred. I call attention to one feature of that agreement: While it provided for the reduction of the hours of labor constituting a day's work until they should reach eight, it does not prohibit overtime, so the effect of the agreement would be to increase the wages of the men rather than to reduce the hours.

Mr. VREELAND. What does it say about the pay? I remember Mr. McGregor said he did not understand it was to be ten hours' pay for eight hours' work.

Mr. HAYDEN. That was his statement.

Mr. VREELAND. Does the agreement as handed in show that?

Mr. HAYDEN. I have not seen it.

Mr. TRACY. Nine hours' pay for eight hours' work.

Mr. GOMPERS. I think the prevailing wage was to obtain, notwithstanding the gradual reduction of the hours of labor.

Mr. HAYDEN. The paper is here and speaks for itself. It is not vouched for in any way, nor does it bear any signatures.

Mr. GOMPERS. Yes, sir; it is vouched for by Mr. O'Connell.

Mr. HAYDEN. His signature does not appear on the paper that you offered. I am not saying that it is not all right, but I want to reserve the right to rebut it.

Mr. NICHOLLS. May I ask Mr. Gompers a question?

Mr. HAYDEN. Certainly.

Mr. NICHOLLS. Will you tell us whether or not the wages are fixed per day or per hour, usually?

Mr. GOMPERS. That differs materially; in some trades it is per day, but in others per hour.

Mr. NICHOLLS. How do you understand it to apply to this case in San Francisco?

Mr. GOMPERS. Per day.

Mr. NICHOLLS. Would it follow, then, according to your understanding, that the same wages per day which are now paid for nine hours would be paid when the day is shortened to eight hours?

Mr. GOMPERS. So the agreement, or the proposed agreement, of the employers states, and Mr. O'Connell in his letter to the committee says that it was agreed to, the employers' proposal.

Mr. HAYDEN. You took no part in that agreement?

Mr. GOMPERS. No, sir; I simply brought the letter.

Mr. HAYDEN. You are simply expressing your opinion?

Mr. GOMPERS. No, sir; I am expressing what Mr. O'Connell states definitely in his letter.

Mr. HAYDEN. You mean the one you handed up here to-day?

Mr. GOMPERS. Yes, sir.

Mr. HAYDEN. And which speaks for itself?

Mr. GOMPERS. Yes, sir.

Mr. HAYDEN. In order that we may come to an understanding here, I would like to read to the committee what Mr. McGregor did say. I find on page 323 of this record the following:

Mr. HOLDER. Is it not a fact that your concern, in connection with all of your competitors at San Francisco, made an arrangement last May with all of the iron trades that you would decrease the hours of labor from nine to eight on a fifteen-minute basis each year until the year 1910, when you would reach the eight-hour basis, without any decrease in pay?

Mr. MCGREGOR. Not without any decrease in pay.

Mr. HOLDER. We understand that that same rate of pay is to be maintained.

Mr. MCGREGOR. No, no. The first of last May the men struck for eight hours. It was not a question of pay; that question was not raised at all. Finally, after our place had been closed for about seven weeks, we reached this agreement in connection with the other metal industries out there and proposed—or it was agreed to—that the eight-hour day should be reached in time by reductions of the day fifteen minutes at a time, ultimately reaching an eight-hour day. But the question of the men being paid the same wages for the lesser time was not in issue at all.

He did say later that it was the object of the men to get an eight-hour basis as the measure of a day's wages and then by working nine hours receive overtime pay for the last hour. Of course everyone wants to get as much as he can for his services.

Mr. GOMPERS. But the paper as submitted, Mr. Hayden, was the proposal of the employers that the hours of labor be gradually reduced fifteen minutes each year until 1910, until the eight-hour day was attained or established.

Mr. HAYDEN. It was certainly very generous on the part of the employers.

Mr. GOMPERS. Yes, after a seven weeks' strike it was exceedingly kind, but it provided that the rate of wages shall prevail as obtained at the time the agreement was proposed, notwithstanding the reduction in the hours of labor.

Mr. HAYDEN. If your paper be a correct copy of the agreement, Mr. Gompers, and it states the situation as you have just related it, we shall have it in this record.

Mr. GOMPERS. That is all right.

Mr. HAYDEN. If not, we shall have a correct copy and put it in the record.

Mr. HASKINS. Read on and see what he says further.

Mr. EMERY. I was in San Francisco at the time this discussion began, and I was in conference some of the time with the metal trades of San Francisco while this matter was under consideration, and I think Mr. Gompers is in error in saying, in the first place, that the matter proceeded from the employers. It was the result of intervention on the part of a third party who suggested a plan, and it proceeded partly from them and partly from the men. Furthermore, with respect to the reference that is there made to the rate of pay, there is practically not a machine shop in San Francisco but pays by the hour or by piecework, and he referred there to rate of pay, of course, that they were to be paid by the hour or the piece the same rate of pay they were receiving at the time the agreement was made, without reference to the number of hours they worked.

Mr. HAYDEN. The dialogue between Mr. Holder and Mr. McGregor reads:

Mr. HOLDER. It has been reported that there would be no change in the daily rates.

Mr. MCGREGOR. That, of course, is not correct. We simply can not pay nine-hour wages for an eight-hour day.

Mr. NICHOLLS. You make agreements with the men through their organizations, then, do you?

Mr. MCGREGOR. Yes, sir; we did in this case.

Mr. TRACY. Then in 1910 you will be in condition to take all the Government work they can give you?

Mr. MCGREGOR. I do not know that.

Mr. TRACY. Or that you are capable of doing?

Mr. MCGREGOR. Understand this: That there is no restriction of the hours that a man may work. What the men are after, and they are frank enough to say it, is this: They do not want an eight-hour day. They do not want their opportunities to work limited to eight hours a day. They want to work nine hours for nine and a half hours' pay.

Gentlemen, I had intended to confine my remarks to the legal effect of this bill, showing that it would be repugnant to the fifth amendment of the Constitution of the United States. There has been considerable legislation with respect to the hours of daily labor of persons in Government employ. The first act of the kind was passed in 1868, when eight hours was declared to be the measure of the work-day for certain employees of the Government. Other acts of a similar nature followed. In 1888 the eight-hour day was extended to letter carriers. Finally there came the act of August 1, 1892—the present eight-hour law. That, as you well know, is limited in its operation to laborers and mechanics in the employ of the Government, the Territories of the United States, and the District of Columbia, and of contractors and subcontractor on public works of the United States. That law has been held to be valid, and it has been expounded by courts of the United States. The Government did not intend that limitation to extend beyond its own work, its own public works, where a regulation limiting the hours of daily work would not interfere with the general business of the country. Public works are entirely within the Government's control. The courts have said so, and they have been careful in interpreting that law to distinguish it from a provision which would make the eight-hour limitation applicable to private work done by an individual engaged in producing goods for the general trade or in fulfillment of a contract between an individual and the Government.

The first case I have which deals with the sovereign right to limit the hours of daily labor is that of the *Wheeling Bridge & Terminal Railway Co. v. Gilmore* (8 Ohio Circuit Court Reports, 658). The statute drawn in question was as follows:

*Be it enacted by the general assembly of the State of Ohio, That section 1 of an act entitled "An act to provide against accidents on railroads and to limit the hours of service" be amended so as to read as follows: "That any company operating a railroad over thirty miles in length, in whole or in part within the State, shall not permit or require any conductor, brakeman, engineer, or fireman on any train or any telegraph operator who have worked in their respective capacities for twenty-four consecutive hours to again be required to go on duty or perform any work until they have had at least eight hours' rest. Ten hours shall constitute a day's work, and for every hour that any conductor, fireman, engineer, brakeman, or any trainman or any telegraph operator of any company who works under directions of a superior or at the request of the company shall be paid for such extra services in addition to his per diem."*

The question was whether that act was repugnant to the Constitution, and the court said:

The language of the act being plain, unequivocal, and absolute, it overreaches, if it is valid, the contract made between the parties and annuls every provision of such contract which is contrary thereto if the parties come within its provisions, which for the purposes of this hearing is conceded.

The important question before us is: Whether power is vested in the general assembly to control citizens in the making of their contracts by prohibiting contracts for day's work of more than ten hours or to confer upon the employee the right to deprive the employer of the benefit of contracts they may have voluntarily entered into with reference to the hours of labor and the compensation for a day's work.

The law is far-reaching in its effect if it is valid, and it is highly important that those who are interested, who are brought within the purview of the act, should know whether it is a valid enactment or not; and for the first time in this State, so far as we are aware, the question is brought up for disposition.

Is, then, this statute constitutional? Statutes may be, and they sometimes are held to be unconstitutional, although they contravene no express word of the Constitution. Where they strike at the inalienable rights of the citizen so as to infringe the spirit of the instrument, though not its letter, they are oftentimes held to be unconstitutional.

There may be nothing in the Constitution of the United States which in express terms would forbid the limitation of the day's work of persons employed in private establishments, but nevertheless such a regulation would infringe the rights and liberties guaranteed by the organic law.

Mr. RAINEY. What did they hold in that case?

Mr. HAYDEN. They held that the act was unconstitutional.

The CHAIRMAN. What case is that?

Mr. HAYDEN. The case of *Wheeling Bridge & Terminal Railway Co. v. Gilmore*, reported in 8 Ohio Circuit Reports, 658.

Mr. NORRIS. They held there that the legislature of Ohio had no right to limit the hours of labor of railroad employees?

Mr. HAYDEN. Yes, sir; the contracts were that the men should work more than the ten hours.

Mr. NORRIS. Did they discuss the question as to whether the legislature had the right, on account of the safety that it might give to the traveling public, to enact such a law; did they go into that question?

Mr. HAYDEN. I do not find that that question was passed upon.

Mr. NORRIS. You can see a vast difference between limiting the hours of an employer who is handling the public and one who is working for a private individual.

Mr. HAYDEN. That is a consideration of the public safety. Where that has appeared to be the motive of laws, limiting the hours of labor, they have been declared valid.

Mr. HOLDER. What year was that, Mr. Hayden?

Mr. HAYDEN. 1894.

Mr. RAINEY. I am not familiar with the courts in Ohio. I wish you would tell me whether that is the court of last resort.

Mr. HAYDEN. That is the circuit court.

Mr. NORRIS. No; it is not the court of last resort.

Mr. VREELAND. Then that case was not appealed?

Mr. HAYDEN. No; apparently not. I have not found it in the reports of the supreme court of Ohio. Next I invite your attention to the case of *Holden v. Hardy* (169 U. S., 366), decided February 28, 1898.

Mr. DAVENPORT. Right here is the very point Judge Norris has called attention to. It is referred to in this Wheeling Bridge Company case and the cases distinguished:

We do not doubt the authority of the legislature to forbid a railroad company from requiring any of its servants engaged in running its trains upon the road, or telegraph operators in active duty at its stations, who have worked in their respective capacities or twenty-four consecutive hours, to again go on duty until they have had at least eight hours' rest, as that would be a wise police regulation.

They distinguish that case from this:

But the absolute prohibition in this act is of that paternal class of legislation, and legislation for a class, that destroys alike all the constitutional guaranties of liberty of action, the security of property, and so forth.

So the precise distinction which Judge Norris points out was before the court at that time.

Mr. HAYDEN. That does not meet the question raised by Judge Norris, but it has since been held that statutes which limit the hours of labor permissible by persons engaged in certain work on railroads to a degree deemed necessary to insure the safety of the traveling public have been held valid.

Mr. MADISON. As a proper exercise of the police power of the State.

Mr. HAYDEN. Quite right. In the case of *Holden v. Hardy*, to which I have referred, the court said:

We have no disposition to criticise the many authorities which hold that State statutes restricting the hours of labor are unconstitutional. Indeed, we are not called upon to express an opinion upon this subject. It is sufficient to say of them that they have no application to cases where the legislature had adjudged that a limitation is necessary for the preservation of the health of employees, and there are reasonable grounds for believing that such determination is supported by the facts. The question in each case is whether the legislature has adopted the statute in exercise of a reasonable discretion, or whether its action be a mere excuse for an unjust discrimination or the oppression or spoliation of a particular class. The distinction between these two different classes of enactments can not be better stated than by a comparison of the views of this court found in the opinions in *Barbier v. Connolly* (113 U. S., 27) and *Soon Hing v. Crowley* (113 U. S., 703), with those later expressed in *Yick Wo v. Hopkins* (118 U. S., 356).

We are of the opinion that the act in question was a valid exercise of the police power of the State, and the judgments of the supreme court of Utah are therefore affirmed.

The act drawn in question there was one which regulated the period of service of persons employed in smelters and mines—work which was detrimental to the health of the operatives. In the opinion just read, the court showed clearly the distinction between a statute of that sort and one where the discrimination made was purely arbitrary, as we insist the one contemplated by the pending bill is. There is no plausible reason for supposing that work done in fulfillment of contracts to which the United States is a party should be more detrimental to the people of this country than work done in fulfillment of contracts between individuals.

The next case to be considered is that of *United States v. San Francisco Bridge Company* (88 Federal Reporter, 891). It was decided by the United States district court ninth circuit, an appeal was taken to the Supreme Court, but was docketed and dismissed. It was an indictment for a violation of the eight-hour act of 1892. The district judge said:

The statute under consideration, however, by its express terms, is applicable only to public works of the United States and of the District of Columbia; so that the question presented here is not whether Congress possesses the power to legislate generally

in regard to the number of hours laborers shall be permitted to work in any one day when engaged in the construction of some building or in some other employment over which the United States has no right to exercise any supervision or control, but rather this: Has Congress the power to prescribe the terms and conditions under which labor shall be performed in the construction of public works of the United States, and without reference to the fact whether such public works are or are not upon land over which the National Government exercises exclusive political jurisdiction? I entertain no doubt of the authority of Congress in this respect. Public works are instrumentalities for the execution of the powers of government. In the construction of its public works the United States exercises a power which belongs to it as a sovereign nation, and, as a necessary incident of its sovereignty, has the right to legislate in regard to all matters relating to the construction of such works, including the number of hours which shall constitute a day's labor for those employed thereon. Laws have been passed limiting the hours for the labor of letter carriers in any one day (25 Stat., 157), and for those employed in the navy-yards of the United States (12 Stat., 587), and for all laborers and mechanics employed "by or on behalf of the Government of the United States" (15 Stat., 77); and the power of Congress to pass such laws has never been seriously questioned. In my opinion, Congress may also provide that laborers upon public works of the United States, whether employed directly by the Government or by a public contractor, shall not be required or permitted to work more than eight hours in one day, and may compel obedience to such a law by providing that its violation shall constitute an offense against the United States, and be punished as such.

The committee will observe how careful the court was to distinguish between public works—those wholly within the control of the Government—and private work.

I submit that by the act of 1892 Congress exhausted its power to control the hours of labor, except the effects of the regulation be limited to Territories of the United States and have as its motive some feature of the public welfare. As a general proposition the authority of Congress to make such a regulation can extend no further than its own public works.

Mr. NORRIS. Although it was obiter, this judge seemed to think it otherwise.

Mr. HAYDEN. I think not, sir.

Mr. NORRIS. The last clause of the opinion extended the law to a contractor.

Mr. HAYDEN. I will read from the opinion again:

In my opinion, Congress may also provide that laborers upon public works of the United States, whether employed directly by the Government or by a public contractor, shall not be required or permitted to work more than eight hours in one day, and may compel obedience to such a law by providing that its violation shall constitute an offense against the United States, and be punished as such.

Mr. NORRIS. I did not get the distinction the first time, although that particular point was not in issue.

Mr. HAYDEN. It is obiter, but I submit that it is sound. I believe the act of 1892 represents the full extent of the Federal Government's power to regulate the hours of employment.

Mr. RAINEY. So far as the courts have passed upon it up to the present time.

Mr. HAYDEN. I submit that that is the law. Of course, I have not authorities dealing directly with the right of the Federal Government to pass such a bill as the one you have under consideration, because there has been no such statute. The question has never been presented to the courts, but I submit that that is the law and shall submit to you cases growing out of State legislation which I think show clearly that our contention is correct. Take the position of the Government in its dealings with citizens in general. It procures t

tract a battle ship or a gun or any other article or material. In such dealings the United States is not acting as a sovereign; it does not buy that citizen's plant; it has not a dollar invested in it. It deals with the citizen just as a private corporation would deal with him. It has a want to fill, and it proceeds to fill that want just as you or I might.

Mr. RAINEY. Suppose the private citizen refuses to contract with the Government, or suppose he is opposed to permitting the Government to take his property, would not the Government do it anyway?

Mr. HAYDEN. The Government could take his plant on making him just compensation as contemplated by the fifth amendment to the Constitution, but not otherwise.

Mr. PAYSON. That would be under the right of eminent domain?

Mr. HAYDEN. Most assuredly so. Independent of that the taking of private property without compensation is prohibited by the Constitution. It has been held by the Supreme Court that where the Government does so take private property the citizen may recover its value from the Government, and judgments so recovered are collected. I refer you to the case of *Lynch v. The United States*, reported in 188 U. S., and also an older case, that of the *Great Falls Manufacturing Company*, 112 U. S.

Mr. RAINEY. But the Government does take it in the exercise of its sovereignty?

Mr. HAYDEN. Sometimes it has taken private property arbitrarily, without going through the form of condemnation proceedings. That is not a valid exercise of the right of eminent domain, and the Government has always been required to respond in damages for the taking.

The CHAIRMAN. A matter of military necessity.

Mr. HAYDEN. The arbitrary taking of private property has occurred in time of war and in time of peace. That does not affect the owner's rights to compensation. But we are not considering the arbitrary taking of private property. A contractor does not sell his plant to the Government. He does not sell his time or himself to the Government. He deals with it as he would with a private corporation. He engages to manufacture at his own cost and risk certain specified material, to do it in a certain way, and upon completion to deliver the material to the Government, which shall have the right to reject it unless it fulfills all the requirements of the contract. That contractor is not working for the Government; his employees are not working for the Government; they are working for him. He is working, not for the Government but for himself. He is proceeding to fulfill his bargain with the Government but he is not the Government's servant or even its agent. He is an independent contractor.

Mr. RAINEY. But in the production of that particular product is he not the Government's servant?

Mr. HAYDEN. No, sir; he is not. He is no more the Government's servant than is a man with whom I contract for a suit of clothes my servant while he is engaged in making that suit for me. The tailor to whom I go for a suit of clothes is not my servant. He agrees to make it and that it shall fit me, and if he does not succeed I can reject it. I have no proprietary interest in the suit until he delivers and I accept it.

Mr. RAINEY. My ideas on the subject are in a sort of nebulous state, as you can see, but I have an impression that the constitutionality of this bill will depend upon that very question.

Mr. PAYSON. May I suggest to you that in addition to that the Government has no interest, direct or indirect, in the subject-matter of the contract until it is completed, tendered, tested, and accepted.

Mr. HAYDEN. Here is a case which has been brought to the attention of the committee in past years.

Mr. NORRIS. I trust it will be no interruption to you, but let me ask, do you concede, or did you, that in order to sustain your position with respect to the unconstitutionality of this proposed act you must assume that the contractor whom you are speaking of now is not a servant or an agent of the Government?

Mr. HAYDEN. That proposition is not, I believe, open to question. It has been passed upon by the highest courts.

Mr. NORRIS. I am not talking about that, but I want to get right on the position you are taking.

Mr. HAYDEN. Yes, sir. I say that the contractor is an independent contractor. He is not a public contractor or a public servant.

Mr. NORRIS. And that is the position which you take, assuming that is necessary as one of the requisites to bear out your main position, is it not?

Mr. HAYDEN. It is a most important feature of our opposition to the bill.

Mr. NORRIS. If it should be held that you were wrong in that position, then your argument as to the constitutionality of the act would fall?

Mr. HAYDEN. I am not prepared to concede that.

The CHAIRMAN. I do not want to interrupt the line of your argument, Mr. Hayden, but at the proper point, when you think you have come to it, I want to ask some questions. For instance, as to the difference in power granted a government to enforce a provision as a criminal offense which it can not enforce as a contract, and your opinion as to whether the decisions of the supreme court of Ohio and the supreme court of Kansas on the eight-hour laws of those States, respectively, are in conflict; and if so, whether the Supreme Court of the United States, in upholding the law of Kansas, has overruled the supreme court of Ohio. In other words, whether the Supreme Court of the United States, in determining the Kansas case, appears to have considered at all that the work being done for which the indictment was sustained was on a public boulevard which might, in some sense, be a public work?

Mr. HAYDEN. You refer, Mr. Chairman, to the Atkin case, which I shall discuss in regular course. I would like at this stage, however, to complete the presentation of the proposition that an individual who undertakes to manufacture a chattel and deliver it to the Government occupies the same relation to the Government that he would toward another individual with whom he had made a similar contract. There is no distinction between the two transactions. The courts of the United States, including the Supreme Court, have held over and over again that when the Government in the discharge of its business functions enters into agreements with its citizens it deposes its sovereign status and meets them on terms of equality and is on a parity with them before the law. That, I submit, is no more than fair, and



it must be so; otherwise the guaranties of the fifth amendment to the Constitution would not be fulfilled.

A case which is clearly in point, and whose authority has never been questioned, is that of *Clarkson v. Stevens* (106 U. S., 505). That grew out of a contract between the United States and an individual for the construction of a war vessel. The work was never really completed, but special acts were passed providing for its acceptance. The question at issue was whether the Government acquired any proprietary rights in the vessel as her construction progressed. The contract provided that as the work progressed the materials should be inspected and passed upon by the Government's inspectors, and from time to time, as the vessel reached certain stages of completion, payments should be made to the contractor on account of the contract price, and that the uncompleted vessel should be insured for the benefit of the Government. The court said this with respect to the ownership of the uncompleted vessel:

Under a contract for supplying labor and materials and for making a chattel no property passes until the chattel is completed. This is a general law and must prevail in all cases unless a contrary intent is expressed or clearly implied from the terms of the contract.

It was held that although the United States agreed to and did advance sums of money on account of the contract price as the work upon the vessel progressed, and all of the material used was inspected and accepted before being installed in the vessel, this did not constitute conclusive evidence of an intent that any property in the vessel should pass prior to delivery and final acceptance of the ship. The implication of such an intent was plainly negatived by the fact that the contractor was required to give security for the performance of his contract, and the United States reserved the right to reject the vessel altogether in the event of its failing to comply with the requirements set forth in the contract, and thereupon to recover from the contractor the amounts paid on account of the contract price. That ruling has never been questioned.

The CHAIRMAN. That is the case generally known as the *Stevens* case, which is cited in State courts as the law on that subject?

Mr. HAYDEN. Yes, sir; it is generally accepted and has been followed by the Supreme Court ever since. Attorneys-General, in opinions furnished to various Departments of the Government, have followed it.

The CHAIRMAN. Our State courts follow that decision.

Mr. HAYDEN. Another opinion of the Supreme Court bearing on the question before us is the case of *Connolly v. Union Sewer Pipe Company* (184 U. S., 540). It did not deal with the Government's right to limit the hours of labor. It involved a statute which was attacked on the ground that it was class legislation. The court said:

We have seen that under that statute all except producers of agricultural commodities and raisers of live stock, who combine their capital, skill, or acts for any of the purposes named in the act, may be punished as criminals, while agriculturalists and live-stock raisers, in respect of their products or live stock in hand, are exempted from the operation of the statute and may combine and do that which, if done by others, would be a crime against the State. The statute so provides, notwithstanding persons engaged in trade or in the sale of merchandise and commodities, within the limits of a State, and agriculturalists and raisers of live stock, are all in the same general class; that is, they are all alike engaged in domestic trade, which is, of right, open to all, subject to such regulations, applicable alike to all in like conditions, as the State may legally prescribe.

The difficulty is not met by saying that, generally speaking, the State when enacting laws may, in its discretion, make a classification of persons, firms, corporations, and associations, in order to subserve public objects. For this court has held that classification "must always rest upon some difference which bears a reasonable and just relation to the act in respect to which the classification is proposed, and can never be made arbitrarily and without any such basis."

We contend that there is no basis for the proposed discrimination in favor of laborers and mechanics who happen to be called upon to contribute their work to the production of a chattel which is being made by an individual, though destined to be delivered to the Government. The court continued:

But arbitrary selection can never be justified by calling it classification. The equal protection demanded by the fourteenth amendment forbids this. \* \* \* No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government. \* \* \* It is apparent that the mere fact of classification is not sufficient to relieve a statute from the reach of the equality clause of the fourteenth amendment, and that in all cases it must appear not only that a classification has been made, but also that it is one based upon some reasonable ground—some difference which bears a just and proper relation to the attempted classification—and is not a mere arbitrary selection.

The selection is not arbitrary where the work in question is one detrimental to health. The Supreme Court, as I shall show you, has recently held that a discrimination in favor of women, limiting the hours of their employment, is one governed by public policy, and that that is valid. That would not be true, however, of a restriction upon the hours that men may be required or permitted to work. The case is that of *Curt Muller v. The State of Oregon*, which was decided by the Supreme Court on the 24th of February, 1908. Mr. Justice Brewer, delivering the opinion of the court, said this:

On February 19, 1903, the legislature of the State of Oregon passed an act (Session Laws, 1903, p. 148) the first section of which is in these words:

"Sec. 1. That no female (shall) be employed in any mechanical establishment, or factory, or laundry in this State more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any one day."

Section 3 made a violation of the provisions of the prior sections a misdemeanor, subject to a fine of not less than \$10 nor more than \$25. On September 18, 1905, an information was filed in the circuit court of the State for the county of Multnomah, charging that the defendant "on the 4th day of September, A. D. 1905, in the county of Multnomah, and State of Oregon, then and there being the owner of a laundry, known as the Grand Laundry, in the city of Portland, and the employer of females therein, did then and there unlawfully permit and suffer one Joe Haselbock, he, the said Joe Haselbock, then and there being an overseer, superintendent, and agent of said Curt Muller, in the said Grand Laundry, to require a female, to wit, one Mrs. E. Gotcher, to work more than ten hours in said laundry on said 4th day of September, A. D. 1905, contrary to the statutes in such cases made and provided, and against the peace and dignity of the State of Oregon."

A trial resulted in a verdict against the defendant, who was sentenced to pay a fine of \$10. The supreme court of the State affirmed the conviction (48 Oreg., 252), whereupon the case was brought here on writ of error.

The single question is the constitutionality of the statute under which the defendant was convicted so far as it affects the work of a female in a laundry. That it does not conflict with any provisions of the State constitution is settled by the decision of the supreme court of the State.

Then proceeding to a consideration of the relation between that statute and the Federal Constitution, and the object which the legislature of Oregon had in mind in providing this limitation upon the work of women, Mr. Justice Brewer continued:

That woman's physical structure and the performance of maternal functions place her at a disadvantage in the struggle for subsistence is obvious. This is especially

true when the burdens of motherhood are upon her. Even when they are not, by abundant testimony of the medical fraternity continuance for a long time on her feet at work, repeating this from day to day, tends to injurious effects upon the body, and as healthy mothers are essential to vigorous offspring, the physical well-being of woman becomes an object of public interest and care in order to preserve the strength and vigor of the race.

Still, again, history discloses the fact that woman has always been dependent upon man. He established his control at the outset by superior physical strength, and this control in various forms, with diminishing intensity, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved. Education was long denied her, and while now the doors of the schoolroom are opened and her opportunities for acquiring knowledge are great, yet even with that and the consequent increase of capacity for business affairs it is still true that in the struggle for subsistence she is not an equal competitor with her brother. Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights. She will still be where some legislation to protect her seems necessary to secure a real equality of right. Doubtless there are individual exceptions, and there are many respects in which she has an advantage over him; but looking at it from the viewpoint of the effort to maintain an independent position in life, she is not upon an equality. Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men and could not be sustained. It is impossible to close one's eyes to the fact that she still looks to her brother and depends upon him. Even though all restrictions on political and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane with him, it would still be true that she is so constituted that she will rest upon and look to him for protection; that her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute place upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. Many words can not make this plainer. The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength, in the capacity for long-continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self-reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation and upholds that which is designed to compensate for some of the burdens which rest upon her.

We have not referred in this discussion to the denial of the elective franchise in the State of Oregon, for while that may disclose a lack of political equality in all things with her brother, that is not of itself decisive. The reason runs deeper, and rests in the inherent difference between the two sexes, and in the different functions in life which they perform.

For these reasons, and without questioning in any respect the decision in *Lochner v. New York*, we are of the opinion that it can not be adjudged that the act in question is in conflict with the Federal Constitution.

For that reason that particular law was held to be valid; but see how carefully the Supreme Court noted the distinction between a law which had a definite object, the preservation of the public health, and one which involves a mere arbitrary interference by the Government with conditions generally prevailing.

(Thereupon, at 4.30 o'clock p. m., the committee adjourned until to-morrow, Wednesday, March 11, 1908, at 10.30 o'clock a. m.)

WEDNESDAY, *March 11, 1908.*

The committee met at 10.30 o'clock a. m., Hon. John J. Gardner (chairman) presiding.

**ARGUMENT OF MR. JAMES H. HAYDEN—Continued.**

Mr. HAYDEN. Mr. Chairman and gentlemen, departing from the branch of my argument I was pursuing when we adjourned, I shall revert to a question raised by a member of the committee; that is to say, whether the relationship existing between the Government and one who has entered into a contract with it, for the delivery of chattels, is in any respect different from the relationship existing between individuals who have made a similar contract. My contention is that the relationship is precisely the same. The Government as a contractor acquires no proprietary rights in the material while in course of production. Prior to delivery and acceptance it acquires no rights whatever in the contractor's plant, and is not concerned in the manner in which he operates it. The Government's right is simply to require the delivery of the chattels contracted for, in due course. An interesting opinion was rendered by the Attorney-General in 1906. The question was whether the eight-hour law of 1892 applied to contracts for the delivery of chattels, and whether therein the Government acquired a proprietary interest in the plant of the contractor, or proprietary rights in any material in course of manufacture in his works, which might be destined to be delivered to the Government on its completion. It could be argued with great force, and I think successfully that if title to the material passed to the Government while in course of manufacture, work done upon it would be public work. But the title does *not* pass prior to delivery and acceptance. Such was the ruling of the Supreme Court in the case of *Clarkson v. Stevens*, which I cited to you, and that authority was followed, by the Attorney-General in this opinion which I will read:

The SECRETARY OF THE NAVY.

SIR: Your letter of July 23 submits the question whether the act of August 1, 1892, entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" (27 Stat., 340), applies to labor under contract for the construction of naval vessels.

Mr. Justice Moody was then Attorney-General. He signed this opinion. It was prepared by the Solicitor-General, Mr. Hoyt, but it was approved and countersigned by Mr. Justice Moody. After the opening statement, that I have read, the opinion continues:

The act provides:

"That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics, to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of an extraordinary emergency."

Section 2 of the act provides a penalty for violation by an officer or contractor, and section 3 excepts from the operation of the act contracts entered into prior to its passage.

The question therefore is, in effect, whether the phrase "public works of the United States" as used in the act of August 1, 1892, comprehends vessels under construction for the Navy by contract with builders at private establishments over which the Gov-

ernment has no executive control or supervision. It seems that various vessels are under construction in accordance with the requirements of the act of August 3, 1886 (24 Stat., 215), and as authorized by different annual appropriation acts under the heading "Increase of the Navy;" and contracts in the usual form, postponing acceptance of the vessel and complete title in the Government until final delivery, have accordingly been made for the construction of a number of such vessels in private establishments of shipbuilders.

It was held by Attorney-General Miller (20 Op., 454) that the act of 1892 does not apply to the case of a contract for furnishing certain materials to the Government for use in the construction and equipment of public buildings.

Those articles were minor fixtures procured for use in public buildings.

Mr. PAYSON. They were post-office boxes and interior fittings.

Mr. HAYDEN. They were manufactured in private establishments. The opinion continues:

In another opinion (id., 463) Mr. Miller considers the case of laborers and mechanics employed by the Quartermaster's Department of the Army upon public works, and also of all other laborers and mechanics employed in the Quartermaster's Department performing the usual and ordinary service of the character. He held that the law applies generally and without limitation to "public works" as to laborers and mechanics in the direct employment of the Government and of the District of Columbia; and that the limitation as to public works applies only to such persons as are in the employ of contractors and subcontractors.

That is, the eight-hour rule applies to all employees of the Government classed as laborers and mechanics, but its application to the employees of contractors and subcontractors is confined to those engaged on public works.

That case, however, did not at all involve employment under contractors or subcontractors.

Mr. Griggs, construing the act of August 13, 1894 (28 Stat., 278), "for the protection of persons furnishing material and labor for the construction of public works," held that that act does not refer to contracts for the construction of naval vessels. He said:

"The object of the act was to afford a better method for enforcing against the contractor the claims of laborers and material men who had done work or furnished material upon property actually belonging to the United States, such as public buildings which could only be erected upon land to which the United States had acquired a complete title, fortifications, river and harbor improvements, and such other things as are commonly understood under the designation of 'public works.' \* \* \* The statute of 1894, intended, in a measure, to remedy the defect in the means of collection at the disposal of laborers and material men against contractors upon such works. No such reason applies to cases of the construction of a specific article not attached to soil the title of which is in the United States, but which is a mere movable article the whole title to which remains in the contractor until its completion and acceptance by the Government."

Undoubtedly "public works" is a phrase of rather wide signification, and it has not been precisely and fully defined. As shown, Mr. Miller and Mr. Griggs applied it to public buildings and Mr. Griggs to river and harbor improvements. (Cf. *United States v. Jefferson*, 60 Fed. Rep., 736.)

In 20 Op. 445, a timber dry dock was characterized as "a valuable and permanent improvement of real estate belonging to the United States," and it was held that, being solely for the use and benefit of the United States, it was "to be regarded as one of the 'public works of the United States' under this eight-hour law."

"The term 'public works' is defined as all fixed works constructed for public use, as railways, docks, canals, waterworks, roads, etc. [citing *Century Dictionary*] (*Ellis v. Grand Rapids*, 82 N. W., 244; 123 Mich., 567)."

(See also *Winters v. Duluth*, 82 Minn., 127.)

The titles of statutes and subheadings thereof are not controlling, but they are often significant and persuasive. Besides other instances which might be given in this matter, consider the naval appropriation act of 1905 (act March 3, 1905, 33 Stat., 1092, 1101, 1104, 1105, 1116), there are various specific appropriations for "public works" under the Secretary, under the different bureaus and under the Marine Corps, while new construction of vessels by contract or in navy-yards is authorized under the heading "Increase of the Navy." The act immediately following is the river and harbor

act of that year (28 Stat., 1117), and is technically entitled "An act making appropriations for the construction, repair and preservation of certain public works on rivers and harbors, and for other purposes."

By this it is suggested that the term "public works" can not be restricted to the conception of a fixed thing, land and structures thereon, for river and harbor acts not only provide for "repairs to breakwater," for example, but also "for improving said river in accordance with the project submitted," etc., which might include dredging alone, substantially, and the mere deepening of a channel. In such a case the paramount control by the United States over the marine belt, harbor areas and navigable waters is akin, in the interest created and in its permanence and completeness, to a title to real estate and ownership of fixed structures. But it is also true that ordinarily harbor and channel improvements by dredging and deepening involve tributary and permanent "works" like retaining walls, rip-rap, mattresses, etc.

Without, however, attempting authoritatively to delimit this subject and say what things are embraced in the term "public works," I am very certain that vessels under construction for the navy establishment are not, either in common acceptance or within legal intendments. Mr. Griggs in the opinion cited above points out the bearing upon the inquiry of the ordinary contracts for construction which have been substantially uniform for a long period, the title to the vessel remaining in the contractor until its completion and acceptance by the Government.

The contracts affected by the present inquiry provide for a government lien as payments on accounts are made, for various preliminary trials and preliminary and conditional acceptance, for final trial and acceptance, and for forfeiture in a certain contingency and the vesting of title in the Government thereupon, all showing that complete title does not rest in the Government until the conditions and covenants specified are fulfilled.

In a case involving a similar point (*Clarkson v. Stevens*, 106 U. S., 505, 515-517) the Supreme Court has held that—

"Accordingly we are of opinion that the fact that advances were made out of the purchase money, according to the contract, for the cost of the work as it progressed, and that the Government was authorized to require the presence of an agent to join in certifying to the accounts, are not conclusive evidence of an intent that the property in the ship should vest in the United States prior to final delivery. Indeed, in reference to the latter circumstance, it is noticeable as indicating a contrary intention, that the authority of the inspecting officer was expressly limited, so that it should not extend to a right to judge of the quality and fitness of the materials or workmanship, such matters and all others concerning the performance of the contract being reserved for determination after the completion of the work, as a condition of acceptance and final payment. \* \* \*

"It is thus apparent, as we think, from these stipulations that the vessel was in all respects to be at the risk of the builder until, upon its completion, the United States should accept it, upon final examination and certificate, as conforming in every particular with the requirements of the contract and answering the description and warranty of an efficient steam battery for harbor defense, shot and shell proof."

That opinion quotes the rule laid down in *Williams v. Jackman* (16 Gray, 514), viz:

"Under a contract for supplying labor and materials and making a chattel, no property passes to the vendee till the chattel is completed, and delivered or ready to be delivered. This is a general rule of law. It must prevail in all cases, unless a contrary intent is expressed or clearly implied from the terms of the contract."

The Attorney-General cited the case of the *United States v. Ollinger* (55 Fed. Rep., 959), which I have here.

Mr. DAVENPORT. What is the date of that opinion?

Mr. HAYDEN. Of the Attorney-General?

Mr. DAVENPORT. Yes.

Mr. HAYDEN. August, 1906. It seems that just before that the eight-hour law of 1892 had been brought to the attention of the President. It was discussed at a Cabinet meeting in an informal way and the Secretaries of War and of the Navy were advised that it should be applied to work done under contracts of their Departments, such as contracts for the delivery of ships and guns. Before giving instructions to his inspectors to enforce the eight-hour rule in private establishments the Secretary of the Navy referred the case to the Attorney-General.

The CHAIRMAN. Just in that connection I would say that I had heard of that, Mr. Hayden, that Cabinet discussion, and reference seems to have been inspired by the then Attorney-General, not purposely, perhaps, who had suggested more than once, and perhaps insisted, that any of the public works did not mean at all the public works of the United States in an ordinary sense, and in other words might mean just what it would have meant if it had said "any of the public works," the act using the phrase "any of the" instead of merely saying "on the public works of the United States." I just wanted to call attention to that now so that you might, further along in your argument, if you think it worth while, say, if that suggestion had been true and had been upheld, what difference it could have made to the final conclusion.

Mr. HAYDEN. It seems to me it could have made none, because the Attorney-General, on consideration of the matter, found that work done in the manufacture of chattels in private establishments is private, although the chattel when finished is to be tendered to the Government. That work is not public in any sense; it is private. Right there, Mr. Chairman, I must say that the legend appearing on all of the official publications of this committee with respect to this bill—"Eight hours for laborers on Government work"—is incorrect and misleading. The bill applies to work done in private establishments. That is conceded. It applies to practically everything that the Government procures from individuals by contract. On the authority of the case of *Clarkson v. Stevens*, and of the opinion of the Attorney-General, which I have just read, and under the general rule of law referred to by the court and the Attorney-General such work is private, not public. The United States has no proprietary interest in the chattel or in the plant where work upon it is being done. It has the right to demand the delivery of the chattel in conformity with the contract. But the work done in producing the chattel is private. The situation of the Government is no different from that of any private corporation.

The CHAIRMAN. It follows, of course, that if the "s" were stricken off the word "works" in the act of 1892 you would contend that the settled law limits its operations to just where it is limited with the "s" there?

Mr. HAYDEN. I do not think that would make any substantial difference in the scope of that law. It might extend its operation to river and harbor work. In the *Ellis* case the Supreme Court noted the difference between "public work" and "public works," and held that the act did not apply to the dredging of a channel which could be classed as "public work," but not among the "public works." But the mere elimination of the "s" from the word "works" would not make the statute applicable to private work.

The CHAIRMAN. Your contention is that that would not carry the operation of the bill beyond work upon soil controlled by the United States, or on things being made by the United States for itself?

Mr. HAYDEN. Being made by the United States for itself?

The CHAIRMAN. Yes.

Mr. HAYDEN. The act does apply to work done in Government establishments.

The CHAIRMAN. Yes.

Mr. HAYDEN. Of every kind.

The CHAIRMAN. No, you do not catch my point. You think that with any of the wording that has been suggested the act would still have been confined in its operation to work done by the Government for itself, or to work done upon soil over which the United States has jurisdiction?

Mr. HAYDEN. Yes, and to which it had title.

The CHAIRMAN. Well, you do not have to go as far as that with labor, do you—to the title?

Mr. HAYDEN. The Government owns or has a controlling interest in soil underlying public waters for the purposes of navigation.

Mr. DAVENPORT. It has a dominant interest. That is the decision in the Chicago case; they have not title, but they have a dominant interest for the purposes of navigation and commerce.

The CHAIRMAN. The reason dominates the title. I had the decision here, and I was going, when we came to that, to follow Mr. Hayden's argument, but his argument did not run parallel enough.

Mr. HAYDEN. The case of the United States *v.* Ollinger (55 Fed. Rep.), cited in the opinion of the Attorney-General reads, (pp. 960-961):

The facts of the case are that Capt. Philip M. Price, of the Corps of Engineers of the United States, and on behalf of the Government of the United States, invited the defendant to bid for the building of two stone barges, which, upon certain conditions, were subject to the acceptance or rejection of the Government authorities; that the defendant, on the 2d of March, 1893, proposed to furnish to the Government of the United States the two stone barges complete for the sum of \$2,470, and to deliver them at Mobile, Ala., within forty days after receipt of order for them; and agreed to execute the work according to specifications and drawings to be furnished him. This proposal was made to Capt. Philip M. Price on the 13th of March, 1893. He accepted it in writing, and in his letter of acceptance says, if the barges be built according to specifications furnished, and are delivered at Mobile, Ala., within forty days after the receipt of his (Price's) letter, they will be purchased from defendant at price stated, viz, \$2,470. In his letter Captain Price says: "During the building of the barges proper facilities must, of course, be afforded my agent for inspecting material and workmanship." Under this agreement defendant commenced work on the barges on March 20, 1893, and for several days worked his men nine hours per day, instead of eight hours per day. A short time thereafter this prosecution was commenced, and the case now comes before the court for its decision on an agreed statement of facts, as herein above set forth.

In my opinion, a statement of the facts is alone sufficient to show that the act of Congress under which this prosecution is sought to be maintained has no application to the case. It is doubtful whether the defendant could ever be considered a contractor. If a contractor, he was a contractor to furnish to the Government of the United States two barges, to be delivered within forty days from the making of the contract, which, if built according to certain specifications furnished him, were to be purchased by the Government from him. The barges were his and were to be his until the Government purchased them. They might or might not become the property of the Government. The transfer of title to them depended upon conditions which could not be determined until the barges were completed. It is clear to me that the building of the barges was in no sense a part of the public works; no more so than the mining of coal contracted to be furnished to the Navy and marine service of the United States, according to specifications as to quantity and quality, or the furnishing under contract with the Government of the United States of lumber and brick to be used in building quarters at Mount Vernon barracks for officers or soldiers or any other public use, according to specifications and to kind, quality, and quantity. It would hardly be contended that the mining of such coal, the sawing of the lumber, or making the bricks would be public works in contemplation of the act of Congress, or that the laborers engaged in the work of mining and in making the lumber and bricks were the laborers whose services and employment Congress has undertaken to regulate and limit. I fail to see any difference in principle in the cases mentioned and that under consideration.



The rule announced by the court in this case is not a new one. It was followed certainly from the time that the Government's contractual dealings with its citizens were made the subject of judicial inquiry and regulation. The case of *Grant v. U. S.* (7 Wallace, 331) is one of the first in which the rule was announced and followed that the Government enters into contracts with its citizens on precisely the same basis as, and with no greater rights than, an individual. Its contracts with citizens are to be interpreted and enforced like contracts between individuals. Mr. Justice Davis, delivering the opinion of the Supreme Court in the *Grant* case, said:

On the theory that the order of the Secretary of War of March 9, 1860, granting to Taliaferro and Grant the privilege of furnishing and delivering at certain posts in Arizona for two years all the supplies that might be needed there for the service at certain stipulated rates was a contract mutually binding on the Government and the claimant the obligations imposed on the parties to it are clearly defined.

It was the duty of the claimant, as well as his exclusive privilege, to furnish all the supplies which were needed for the use of the service in Arizona, and on the receipt of the goods there, the Government was bound to pay him for them the prices which were fixed in the order. It is too plain for controversy, that the property did not vest in the United States until it was delivered. To escape the force of this rule at law, it is insisted, as the goods were inspected in New York and pronounced to be of the proper kind and quality, that the title then passed to the United States, and that they only remained in possession of the claimant for transportation, and as he was prevented from delivering them by the public enemy, the loss must be borne by the United States. This position can not be sustained, for the inspection at New York, on which it is based, did not work a change of title in the property, nor was it in the contemplation of the parties that it should. It did not affect the contract at all. The goods, by a well-known usage of the War Department, had to be inspected somewhere, and as the contract contained nothing on the subject, it was for the advantage of the contractor that they should be inspected before shipment, rather than at the point of delivery. The War Department took upon itself no additional responsibility by inspecting them in New York, instead of Arizona, and this inspection in no wise relieved the claimant from any obligation which he had assumed. He had agreed to deliver the goods in Arizona, and until he did this there was no contract on the part of the Government, either express or implied, to pay him for them. All that the certificate of Major Eaton, the inspecting officer, proves, is, that the goods, when presented to him for inspection, were contained in strong, sound, full-hooped barrels and well-secured tierces, properly marked with the names of the places to which they were destined, and were of the kind and quality usually provided by the subsistence department.

But the title did not pass and prior to delivery and acceptance could not pass.

Another case in which the same rule was followed is that of *Smoot v. The United States* (15 Wallace, 36). Mr. Justice Miller, delivering the opinion of the court, said this:

There is in a large class of cases coming before us from the Court of Claims a constant and ever-recurring attempt to apply contracts made by the Government, and to give to its action under such contracts a construction and an effect quite different from those which courts of justice are accustomed to apply to contracts between individuals. There arises in the mind of parties and counsel interested for the individual against the United States a sense of the power and resources of this great Government, prompting appeals to its magnanimity and generosity, to abstract ideas of equity, coloring even the closest legal argument. These are addressed in vain to this court. Their proper theater is the halls of Congress, for that branch of the Government has limited the jurisdiction of the Court of Claims to cases arising out of contracts express or implied—contracts to which the United States is a party in the same sense in which an individual might be, and to which the ordinary principles of contracts must and should apply.

Then the court proceeded to say that it would be very dangerous to depart from that principle, dangerous not only to the Government but dangerous to the individual. The rules of law which govern the

dealings of individuals must control those between the Government and its citizens for their security and its own. The dual character of the Government is recognized—first it is a sovereign charged with the performance of certain public acts or functions; second, it is a business corporation making purchases and operating various appliances in the performance of its work.

The case of *Wilson v. United States* (71 Ct. Cls., 513) is one that I ask you to consider. Without reading the opinion at length, I have the substance here: The double character of the Government as contractor and as sovereign can not be lost sight of in any of its transactions. For the acts of its contracting agents, within the scope of their authority, it is liable as a contracting party. For the general acts of a military officer acting for the public defense it is not liable as a contracting party, though the acts operated as an interference and directly prevented the performance of the contract.

Those authorities sustain my proposition, that the work which this bill seeks to regulate is private work and is not subject to governmental control. Proceeding in the manner contemplated by this bill, the Government would invade private establishments and impose upon them a few of the restrictions that are not imposed upon all. The bill would be class legislation, affecting only the few employees who happen to be called upon at one time or another to take part in the production of material which the Government may acquire ultimately, but in which it has no proprietary interest at the time the work is done.

Mr. DAVENPORT. The sovereignty of the Government does not extend over those matters?

Mr. HAYDEN. Oh, no. It has a distinct character as a sovereign and an equally distinct character as a contractor. In one it is a Government performing public functions, and in the other it is a contractor carrying on its own business.

The CHAIRMAN. They mix strangely, sometimes, however.

Mr. HAYDEN. The status in our respect or in the other is always easily determined.

The CHAIRMAN. The Government as an individual may make a contract—a simple, ordinary contract—and as a sovereign in law it makes the violation of any part of that contract criminal, certainly to the extent of the things over which it has jurisdiction.

Mr. HAYDEN. I think it has that right as a sovereign.

The CHAIRMAN. The act of 1892 is an illustration of that.

Mr. HAYDEN. Yes, sir; that has been sustained by the courts as a valid exercise of the Government's right to control its own property.

Mr. DAVENPORT. In the character of a sovereign.

Mr. HAYDEN. Yes.

The CHAIRMAN. It makes a contract with an individual and enforces the contract as a sovereign, penally.

Mr. HAYDEN. Yes; because the property dealt with is its own. It does not infringe private rights as it would do if this bill were to become a law and it should make contracts containing the proposed eight-hour clause.

Mr. HASKINS. In other words, in building a battle ship in the Brooklyn Navy-Yard they are there exercising their powers, and they can control the hours of labor there?

Mr. HAYDEN. In the Brooklyn yard?

Mr. HASKINS. Yes.

Mr. HAYDEN. Yes, certainly, because there they do not come in contact with the great mass of citizens and do not interfere with their work.

Mr. HASKINS. Their employees are their own.

Mr. HAYDEN. In regulating its own property in that way the Government does not impair the freedom of other parties.

Mr. HASKINS. But you take a contract for the building of a ship at Newport News or at Cramps, for instance, under contract with the Cramp Company, and that vessel has got to be built and submitted and accepted as satisfactory to the Government?

Mr. HAYDEN. Yes, sir.

Mr. HASKINS. Now, supposing that this bill became a law, and they were penalized in large amounts of money for working ten hours a day, and the vessel was completed and turned over, or, rather, tendered to the Government, and the Government failed to accept it because it did not meet the specifications; whose is it?

Mr. HAYDEN. It belongs to the contractor.

Mr. HASKINS. Certainly.

Mr. HAYDEN. The vessel is constructed at the contractor's risk.

Mr. HASKINS. The property is theirs if the Government does not take it?

Mr. HAYDEN. Yes, sir.

Mr. DAVENPORT. And they could sell that ship to any other government?

Mr. HAYDEN. If it be rejected by the United States.

Mr. DAVENPORT. Yes.

Mr. HAYDEN. Undoubtedly.

The CHAIRMAN. I understand the distinction that is being argued for. I was trying to locate where it became a real distinction. What would you say of the power of Congress to make the violation of an ordinary contract between citizens of Arizona a criminal offense?

Mr. HAYDEN. I think that would be class legislation, and that it would be unconstitutional.

Mr. HASKINS. And an interference with their private rights under the Constitution?

Mr. HAYDEN. Yes, sir; clearly.

The CHAIRMAN. And the same, of course, with States?

Mr. HAYDEN. Yes, sir.

Mr. DAVENPORT. A fortiori.

The CHAIRMAN. Yes.

Mr. HAYDEN. The attention of this committee has been called several times to the case of *Atkin v. Kansas* (191 U. S., 207), and it has been relied upon by some as tending to show that it is competent for the Federal Government to prescribe the length of time that laborers and mechanics may be permitted to work. I shall review that case with some care, and shall show the committee that the Supreme Court had no intention whatever, and expressly disclaimed any intention, of making such a ruling. A statute of the State of Kansas was drawn in question. The operation was confined to public works of the State. It provided that no laborer or mechanic in the employ of a contractor engaged in constructing any such public work should be permitted to work more than eight hours. The courts held that the enactment of the statute was valid exercise by the State of its police power and a valid exercise of control of its own property.

Mr. HASKINS. That case grew out of the building of a boulevard?

Mr. HAYDEN. Yes; the building of a boulevard, a public work of the State.

The CHAIRMAN. Arbitrary, however, if there was no underlying reason for the legislation.

Mr. HAYDEN. Can it be objected to as arbitrary when it is the State's own regulation of its own property?

The CHAIRMAN. I know it is held not to be; that is, where the right is an absolute proprietary right. I think the best illustration of that distinction is to be found in the opinions of the several Attorneys-General and of the courts in the oyster cases, where the States are the owners of the riparian rights and have passed acts excluding citizens of other States from oystering on the public ground, and the case has been brought into the court under the fourteenth amendment.

Mr. HAYDEN. Yes.

The CHAIRMAN. That is under the provision of the Constitution that the citizens of each State are to be entitled to all the rights and immunities of the citizens of every State, and the only defense of the States in excluding the citizens of other States from their oyster grounds is the proprietary right, and in what I have been pleased myself to call an argument lodged with the attorney-general of New Jersey it was illustrated by the statehouse yard, which is the absolute property of the State. Now, those cases have all gone off on the point of the absolute proprietary right of the State in the soil.

Mr. HASKINS. The State has the same rights in streets and highways.

Mr. DAVENPORT. No; more and different. The right in the fee of the shore, you might call it, being out of the limit of the State, is in the State, and the State in our State deeds these oyster lands.

Mr. HAYDEN. That is correct. The same thing is done here. I think the chairman had in mind this provision of the Constitution (fourteenth amendment):

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law.

The CHAIRMAN. That is not the precise provision, but this was pleaded with the other.

Mr. HAYDEN. You mean the clause relating to the abridgment of privileges and immunities?

The CHAIRMAN. Yes.

Mr. HAYDEN. I do not understand that such an abridgment has ever been held valid.

The CHAIRMAN. I so understand. Such an abridgment has been held valid in Virginia and in Maryland. The New Jersey case was not decided, because they were satisfied in the cases that were pending with the decisions that preceded them.

Mr. HAYDEN. In disposing of oyster beds, covering the beds of public waters, the State disposes of its own property. It can sell its lands to anyone that it pleases and can exclude from them anyone that it sees fit to exclude. But the State could not deny to citizens of other States the right to navigate its waters.

The CHAIRMAN. But the questions did not arise under sale; they arose under statutes which provided that none but the citizens of the State should oyster on the grounds free to the citizens of the State.

Mr. HAYDEN. The State can give away its property as well as sell it. The oysters being its property, the State can give the privilege of dredging to one person or to a class of persons. It can give that privilege to its own citizens and exclude those of other States without abridging rights and privileges which belong to the people of the country in general.

The CHAIRMAN. That is just what the court has held, but it seems to me from recollection—I have not read any of those cases in ten years—that that very distinction you mentioned in regard to the boulevard in the Kansas case being public property was very nicely drawn.

Mr. HAYDEN. But is not the principle the same? In one case the State, having title to an oyster bed, sees fit to make a certain disposition of it and does so.

The CHAIRMAN. That is what I am suggesting.

Mr. HAYDEN. In the case of *Atkin v. Kansas* the State sought to regulate in a particular way the management of its property.

The CHAIRMAN. Municipal property.

Mr. HAYDEN. A municipality is an agency of the State.

The CHAIRMAN. That is what the court held.

Mr. HAYDEN. The decisions are consistent. In both cases it was held that the State could exercise control over its own property in a manner not forbidden by the Constitution of the United States. In the oyster bed cases the court held merely that the privilege of appropriating oysters was not a public right or privilege, and that neither the public in general nor the citizens of other States in particular could claim that they were entitled to share it with the citizens of the State owning the beds. The privilege was the State's own property which it could sell or give away as it pleased.

The CHAIRMAN. Yes.

Mr. HAYDEN. And therein lies the distinction between the act of 1892 and the pending bill. The act of 1892 carried the Government's regulation of the hours of labor of laborers and mechanics to the fullest limit sanctioned by law. The regulation was extended to cover all of its employees and all of its public works. To go beyond that and control the private dealings of individuals would be in excess of the powers of the General Government.

The CHAIRMAN. Not as a part of this argument, but do you happen to know why it is that under the statutes of Kansas and Ohio, which practically enacted this legislation—this bill—with the criminal provisions of the act of 1892 attached to it, there has never been any attempt, so far as litigation shows, to enforce the act, otherwise than on public work?

Mr. HAYDEN. I read one case on that point this morning, the one reported in 55 Federal Reporter. It grew out of an attempt to apply the eight-hour law of 1892 to work done under a contract for the construction of two stone barges.

The CHAIRMAN. By the United States?

Mr. HAYDEN. The United States sought to enforce it.

The CHAIRMAN. Yes; but, for instance, the State of Ohio had a statute.

Mr. HAYDEN. Yes.

The CHAIRMAN. Being the bill under consideration, enlarged to reach municipalities.

Mr. HAYDEN. Yes.

The CHAIRMAN. And with the criminal provisions attached to it. That is substantially the Kansas statute; it is taken from this bill. Now, they both had cases in the Supreme Court on contracts for public work—

Mr. HAYDEN. Yes.

The CHAIRMAN (continuing). By way of making improvements, excavations, and public things of that sort; but I simply wanted to inquire if you happened to know, so far as litigation discloses, that there has never been any attempt in those States to enforce those acts in their application to State supplies.

Mr. HAYDEN. Contracts for the delivery of chattels?

The CHAIRMAN. Yes.

Mr. HAYDEN. I assume that the States understood that the laws were not applicable to such contracts.

The CHAIRMAN. They are by their terms, if this one is.

Mr. HAYDEN. The laws were unconstitutional as applied to such contracts. They may have known that.

The CHAIRMAN. I only wanted to know if in your investigations you had inquired as to the facts?

Mr. HAYDEN. I have not.

Mr. EMERY. Pardon me, Mr. Chairman, but the other statute is broader than and goes much further than the Kansas statute. One of the points raised in the Ohio case was that the State was seeking to limit the contractual rights of a municipality in regard to purely local matters, just as in this case they tried to inhibit the exercise of the power of a private individual.

The CHAIRMAN. As a matter of fact, what was the work that the company was doing?

Mr. EMERY. You mean in the Cleveland case?

The CHAIRMAN. Yes.

Mr. EMERY. They were building a sewer. The city of Cleveland had control there and not the State of Ohio. In the Kansas case the municipality was only an agent.

The CHAIRMAN. The courts held differently, that was all. My interruption was only to learn whether in the course of their investigations anybody had come into possession of the reasons why those States had not attempted to enforce this legislation in these States, like the bill we are considering in those respects in which we are contemplating this bill will be operative.

Mr. HAYDEN. In the Atkin case the work in question was being done under a contract for the construction of a boulevard owned by a municipality. The contractor was indicted for requiring or permitting a laborer to work more than eight hours daily. After judgment in the State courts the case came to the Supreme Court of the United States on writ of error, and the latter court, in a most interesting and elaborate opinion, reviewed it as follows:

No question arises here as to the power of a State, consistently with the Federal Constitution, to make it a criminal offense for an employer in purely private work in which the public has no concern to permit or to require his employees to perform daily labor in excess of a prescribed number of hours. One phase of that general question was considered in *Holden v. Hardy* (169 U. S., 366), in which it was held that the Constitution of the United States did not forbid a State from enacting a statute

providing—as did the statute of Utah there involved—that in all underground mines or workings and in smelters and other institutions for the reduction or refining of ores or metals, the period of the employment of workmen should be eight hours per day, except in cases of emergency when life or property is in imminent danger. In respect of that statute, this court said: “The enactment does not profess to limit the hours of all workmen, but merely those who are employed in underground mines, or in the smelting, reduction, or refining of ores or metals. These employments, when too long pursued, the legislature has judged to be detrimental to the health of the employees, and so long as there are reasonable grounds for believing that this is so, its decision upon this subject can not be reviewed by the Federal courts. While the general experience of mankind may justify us in believing that men may engage in ordinary employments more than eight hours per day without injury to their health, it does not follow that labor for the same length of time is innocuous when carried on beneath the surface of the earth, where the operative is deprived of fresh air and sunlight, and is frequently subjected to foul atmosphere and a very high temperature, or to the influence of noxious gases, generated by the processes of refining or smelting.”

As already stated, no such question is presented by the present record, for the work to which the complaint refers is that performed on behalf of a municipal corporation, not private work for private parties. Whether a similar statute applied to laborers or employees in purely private work would be constitutional is a question of very large import, which we have no occasion now to determine or even to consider.

Again it was said:

It may be that the State, in enacting the statute, intended to give its sanction to the view held by many, that, all things considered, the general welfare of employees, mechanics, and workmen, upon whom rest a portion of the burdens of government, will be subserved if labor performed for eight continuous hours was taken to be a full day's work; that the restriction of a day's work to that number of hours would promote morality, improve the physical and intellectual condition of laborers and workmen, and enable them the better to discharge the duties appertaining to citizenship. We have no occasion to consider these questions, or to determine upon which side is the sounder reason; for, whatever may have been the motives controlling the enactment of the statute in question, we can imagine no possible ground to dispute the power of the State to declare that no one undertaking work *for it or for one of its municipal agencies*—

Those words “for it or for one of its municipal agencies” are italicized by the court—

should permit or require an employee on such work to labor in excess of eight hours each day, and to inflict punishment upon those who are embraced by such regulations and yet disregard them. It can not be deemed a part of the liberty of any contractor that he be allowed to do public work in any mode he may choose to adopt, without regard to the wishes of the State.

Again, summing up the conclusions that had been announced and reiterating the distinction between public work and private work, Mr. Justice Harlan said:

We rest our decision upon the broad ground that the work, being of a public character, absolutely under the control of the State and its municipal agents acting by its authority, it is for the State to prescribe the conditions under which it will permit work of that kind to be done. Its action touching such a matter is final so long as it does not, by its regulations, infringe the personal rights of others; and that has not been done.

The court forebore to say, and disclaimed any intention of saying, that it would be competent for the Federal Government, or even for a State, to forbid individuals to make any bargain that they please with respect to the purchase or the sale of labor, where the prohibition has no basis other than the fact that the product of that labor is ultimately to become the property of the Government.

The CHAIRMAN. Even the statute of Kansas was upheld, with the Chief Justice and Justice Brewer and Justice Peckham dissenting, was it not?

Mr. HASKINS. You understand that a dissenting opinion is not the authority of law, is it?

The CHAIRMAN. No.

Mr. HAYDEN. Three members of the court—the Chief Justice, Mr. Justice Brewer, and Mr. Justice Peckham—dissented. The grounds of their dissent were not given.

The CHAIRMAN. Where the case may come before the court in other aspects, and three members dissent from the opinion, it is indicative of what might happen.

Mr. NORRIS. But it would not be right to assume that their dissenting opinion was based upon anything but the question that was properly before the court?

Mr. HAYDEN. That is so. The court here held that the Kansas act was valid as applied to public works.

Mr. NORRIS. If the dissenting opinion means anything, and I think it does, the application would be that inasmuch as they said nothing, they did not agree with the opinion that was reached?

Mr. HAYDEN. That they held the act to be an infringement of the right of individuals to contract for labor—its purchase or its sale.

Mr. NORRIS. Yes.

Mr. HAYDEN. The case of *Lochner v. The People of the State of New York* (198 U. S., 45) has been brought to the attention of the committee, but we shall do well to give it further consideration. That was an indictment under a statute of the State of New York which, among other things, limited the hours of labor permitted in bakeries. The State courts held the statute valid, but on writ of error to the Supreme Court of the United States, it was held to be class legislation and repugnant to the Constitution.

Mr. Justice Peckham, delivering the opinion of the Supreme Court, said:

The indictment, it will be seen, charges that the plaintiff in error violated the one hundred and tenth section of article 8, chapter 415, of the laws of 1897, known as the labor law of the State of New York, in that he wrongfully and unlawfully required and permitted an employee working for him to work more than sixty hours in one week. There is nothing in any of the opinions delivered in this case, either in the supreme court or the court of appeals of the State, which construes the section, in using the word "required," as referring to any physical force being used to obtain the labor of an employee. It is assumed that the word means nothing more than the requirement arising from voluntary contract for such labor in excess of the number of hours specified in the statute. There is no pretense in any of the opinions that the statute was intended to meet a case of involuntary labor in any form. All the opinions assume that there is no real distinction, so far as this question is concerned, between the words "required" and "permitted." The mandate of the statute that "no employee shall be required or permitted to work," is the substantial equivalent of an enactment that "no employee shall contract or agree to work," more than ten hours per day, and as there is no provision for special emergencies the statute is mandatory in all cases. It is not an act merely fixing the number of hours which shall constitute a legal day's work, but an absolute prohibition upon the employer, permitting, under any circumstances, more than ten hours' work to be done in his establishment. The employee may desire to earn the extra money, which would arise from his working more than the prescribed time, but this statute forbids the employer from permitting the employee to earn it.

Again it is said:

It must, of course, be conceded that there is a limit to the valid exercise of the police power by the State. There is no dispute concerning this general proposition. Otherwise the fourteenth amendment would have no efficacy and the legislatures of the States would have unbounded power, and it would be enough to say that if any piece of legislation was enacted to conserve the morals, the health, or the safety of the people,



such legislation would be valid, no matter how absolutely without foundation the claim might be. The claim of the police power would be a mere pretext—become another and delusive name for the supreme sovereignty of the State to be exercised free from constitutional restraint. This is not contended for before this court. Therefore, where legislation of this character is concerned and where the protection of the Federal Constitution is sought, the question necessarily arises: Is this a fair, reasonable, and appropriate exercise of the police power of the State, or is it an unreasonable, unnecessary, and arbitrary interference with the right of the individual to his personal liberty or to enter into those contracts in relation to labor which may seem to him appropriate or necessary for the support of himself and his family? Of course the liberty of contract relating to labor includes both parties to it. The one has as much right to purchase as the other to sell labor.

Again:

It is manifest to us that the limitation of the hours of labor as provided for in this section of the statute under which the indictment was found, and the plaintiff convicted, has no such direct relation to and no such substantial effect upon the health of the employee as to justify us in regarding the section as really a health law. It seems to us that the real object and purpose were simply to regulate the hours of labor between the master and his employees (all being men, *sui juris*) in a private business, not dangerous in any degree to morals or in any real and substantial degree to the health of the employees. Under such circumstances the freedom of master and employee to contract with each other in relation to their employment, and in defining the same, can not be prohibited or interfered with without violating the Federal Constitution.

The case of *Ellis et al. v. The United States* (206 U. S., 246) has been referred to frequently in the course of these hearings. One of the cases decided was an indictment in which the defendant was charged with a violation of the eight-hour law of 1892, in that he, being engaged in the construction of wharves and docks which were being built under contract with the United States, permitted laborers to work more than eight hours daily.

The CHAIRMAN: That was a number of cases consolidated.

Mr. HAYDEN. Yes. The various cases which were passed on were not, by any means, identical in fact. I call attention to the one which dealt with the construction of a pier. It was contended that there was an emergency such as to justify the employment of men more than eight hours, notwithstanding the prohibition of the act of 1892. It appeared that the contractor was limited in time and would incur a large penalty if he failed to complete the pier in due course. He had experienced trouble in procuring piling and other materials and encountered some trouble from adverse weather conditions. He did permit his men to work for more than eight hours daily. The court said that there was no emergency within the meaning of the act; it was merely a matter of business convenience. The emergency clause of the present bill is the same in legal effect as that contained in the act of 1892. The language contained in the two may not be identical, but it would be given the same construction. The court said:

In *Ellis's* case the plaintiff in error agreed to construct and complete pier No. 2 at the Boston Navy-Yard, within six months, according to certain specifications and at a certain price. He found more difficulty than he expected, although he expected some trouble, in getting certain oak and pine piles called for by the contract, and, having been delayed by that cause, he permitted his associate in the business to employ men for nine hours, in the hurry to get the work done. The judge instructed the jury that the evidence did not show an "extraordinary emergency" within the meaning of the act. The judge was right in ruling upon the matter. Even if, as in other instances, a nice case might be left to the jury, what emergencies are within the statute is merely a constituent element of a question of law, since the determination of that element determines the extent of the statutory prohibition and is material

only to that end. The ruling was correct. It needs no argument to show that the disappointment of a contractor with regard to obtaining some of his materials, a matter which he knew involved some difficulty of which he took the risk, does not create such an emergency as is contemplated in the exception to the law. Again, the construction of the pier was desirable for the more convenient repair of warships, but it was not essential. Vessels had been docked without it since 1835 or 1836, so that there was no hot haste on that account, if under any circumstances that kind of need would have been enough.

The question as to what would constitute an emergency within the meaning of this bill has arisen several times in the course of these hearings. Advocates of the bill have suggested that where the success of an extensive operation is at stake, such as the boring of a large cylinder, or the heating of metal to be converted into armor plate, there would be an emergency which would justify their working the men more than eight hours. But it is clear that under the decision of the Supreme Court just cited business convenience would afford no excuse. To constitute an emergency there must have been a casualty, by breakage, fire, flood, or something of that description, or else the life of a human being must be imperiled. There would be no justification in continuing a laborer or mechanic at his work for more than eight hours in the belief (there could be no certainty) that the success of the operation would be imperiled by putting a new man in his place. There would be the belief that failure and loss would ensue—there might be practical certainty that the substitution of a new man for the one in charge of the operation would imperil the result and involve the loss of material worth many thousands of dollars; but that would not be an emergency contemplated by the pending bill. In such a predicament the contractor would be confronted with the choice of working his men overtime and paying a penalty of \$5 per man or of the losing of material worth thousands of dollars.

Mr. EMERY. The fact that the contractor honestly believed that there was such an emergency would not avoid the penalty either.

Mr. HAYDEN. That would not justify him. As I say, there might be the strongest kind of probability that his property would be imperiled, but there would not be the certainty necessary to excuse him.

The Chairman has called attention to some other portions of this opinion. Aside from the indictment against Ellis, the opinion relates to an indictment against the Eastern Dredging Company, and the court was called upon to say who were and who were not laborers and mechanics within the meaning of the eight-hour law of 1892, and what were and were not public works, although, perhaps, properly classed as public work. The dredging of a channel was held to be public work, though it did not fall within the designation "public works." That distinction, however, has nothing to do with the question before us. Here, as I have endeavored to show, we are dealing with private work. The bill does not relate to "public work" or "public works."

Mr. HASKINS. There is a sentence there in Justice Holmes's opinion, on page 259, in the first paragraph:

The language of the acts is "public works of the United States." As the works are things upon which the labor is expended, the most natural meaning of "of the United States" is belonging to the United States.

Mr. HAYDEN. Yes, sir. Ownership of the property involved has been the test by which the courts have determined whether works were public or private. I have another authority for the proposition that a limitation of the hours of labor in general or a purely arbitrary limitation applied to labor not employed by the Government or on its public works would be an invasion of the rights of men which the Constitution was designed to protect. Dr. Lyman Abbott in his *Rights of Man* (p. 106) said:

"If any section of society endeavors to prevent any man from working and from enjoying the product of his work, that section of society is unjust. If any organization undertakes to prevent any man from working when he will, where he will, for whom he will, and at what wages he will, that organization violates the essential right of labor. It is not primarily the enemy of labor for every man to work, and every man has a right to the product of his industry.

Judge Cooley, too, in his work on Torts, says this, and I think it is well worthy of careful consideration:

"The final test of what is a reasonable regulation must be found in the legislative judgment, unless the Constitution has provisions on the subject. What the legislature ordains and the Constitution does not prohibit must be lawful. But if the Constitution does no more than to provide that no person shall be deprived of life, liberty, or property, except by due process of law, it makes an important provision on the subject, because it is an important part of civil liberty to have the right to follow all lawful employments. Regulations invidiously framed to exclude persons or classes must be held forbidden by the constitutional provisions referred to.

I desire to say just one word upon the economic and practical side of the question.

Mr. NORRIS. Before you leave the legal proposition I want to ask you one question. There has been reference made quite a number of times to the Ohio case—of the Cleveland Construction Company.

Mr. HAYDEN. Yes, sir. I forbore to touch upon that at all, because it was most elaborately discussed by Mr. Davenport in his opening argument and appears at length in the report of the proceedings of this committee on pages 20 to 25, both inclusive.

Mr. NORRIS. I was not here at that time. I wish you would note now the proper citation.

Mr. HAYDEN. Sixty-seven Ohio State Reports, 197. Proceeding with the economic and practical features of the question: Your attention has been called to Labor Bulletin No. 71 issued by the Department of Commerce and Labor, and what is said therein of the conditions which have prevailed among the laborers and the mechanics of the United States in various trades for some years past. It shows that there has been a marked improvement in those conditions. There has been a very large increase in the number of persons employed. There has been a large increase in the wages paid. There has been an increase in the cost of living, but not as great as the increase in wages. There has been a diminution of the hours of labor. That, I submit, shows a healthy condition of affairs, a steady betterment of the condition of laborers and workmen in the country. We believe that it is due to increased efficiency on their part and to the introduction of improved machinery, and also to the prosperous business conditions that prevailed in the country until the unhappy incidents of the past year. The improvement of the condition of the laborer and mechanic is shown graphically by a plat on page 7 of the Bulletin, No. 71, of the Bureau of Labor, published in July, 1907. I ask that the committee include that in the report of its proceedings.

I desire also to call the committee's special attention to certain diagrams published in Bulletin No. 54, which represent the average wages paid and the average hours of daily labor performed in this country, Great Britain, Germany, France, and Belgium. I desire to say that it shows throughout the various trades, such as blacksmiths, boiler makers, bricklayers, compositors, iron molders, machinists, laborers in general, that the wages paid in this country are higher than they are anywhere else in the world. The hours of labor here compare very favorably with those prevailing in other countries. Mr. Gompers was wrong in the rule which he announced, that the shorter the hours of labor the higher the wages, not per hour, but per day. I think that is a false rule and that the committee will see that it is not borne out by the tables to which I have referred.

At the hearing yesterday, Mr. Gompers, appearing as an advocate of the bill, made a statement that was by no means applicable to the question which you have under consideration. He remarked that those who had appeared before you opposing the bill had brought about a condition of things which outlawed the labor unions pursuing what he admitted to be the ordinary operations of organized labor. He referred to the Sherman Antitrust Act and the recent decisions of the Supreme Court. None of these things dealt with the right of Congress to regulate the hours of labor. We all know that the persons who have appeared before you in opposition to this bill took no part in securing the passage of the Sherman Act. It was passed before their day. It was not passed at their instance or for their benefit, but to preserve the interests of the public in interstate commerce. The Supreme Court has interpreted it, and we find in its decisions no more than this, that every man, be he a capitalist or laborer, must obey the law. Before the law all persons are and should be equal—every one will receive fair treatment from the courts of the United States. I submit that it is not becoming in any citizen to criticise the decisions of the courts, least of all, the court of last resort.

It was suggested by Mr. Gompers that he had considered it desirable to have present at these hearings certain representatives of organized labor, being of the notion that they would have a deterring effect upon those who appeared in opposition to the bill. That I resent. The committee has seen the men who have appeared here opposing the bill. They have been earnest, and I believe that you must have been convinced of their honesty. No matter whether you agree with their views or not, you must know that they spoke from sincere conviction when they said that the bill if enacted would render it impossible for them to continue dealing with the Government; that the eight-hour regulation contemplated could not be put in operation; that it would interfere with or prevent certain things that are carried on in their industries; that it would greatly increase the cost of materials and articles that they produce under contract with the Government; that they could not conduct their plants with part of their men, working on an eight-hour basis, engaged in doing work under Government contracts, and another part of them engaged in private work employed on a ten or a nine hour schedule. They said further that under the conditions now prevailing throughout the country, plants engaged exclusively in work for the general trade, and which employ their men for nine or ten hours daily with the

privilege of overtime work, would be driven out of business if they accepted Government contracts and adopted the eight-hour day. They were sincere in all that.

I submit, Mr. Chairman, that this bill, if enacted, would have a more far-reaching and a more detrimental effect upon the industries of this country and would prove a greater obstacle to the return of its industrial prosperity than any measure conceivable. I submit that it would be class legislation of the most pronounced type. Financial and commercial disaster, not only to the manufacturers and capitalists, but to the employees who look to them for their daily wages and their livings, would ensue.

The CHAIRMAN. Before you conclude, Mr. Hayden, I suppose you have considered the question. Do you think that anything could be said as bearing upon the proposed measure on the difference between the sovereignty of the National Government and the sovereignty of the States, the one being primary and absolute and constitutions acting only as a limitation on the legislatures, and the one acting only by reason of powers specifically granted?

Mr. HAYDEN. I can not do better, sir, than read to you the fifth amendment and the first paragraph of the fourteenth amendment to the Constitution of the United States. One operates to restrain the Federal Government and the other the States, but the restrictions are substantially the same.

The CHAIRMAN. Yes; but that is not the idea. In a State constitution we look for the power to restrain the legislature; in the Federal Constitution we search for the power to authorize the legislative act.

Mr. HAYDEN. Also, I think, for restrictions. Take the bill of rights added by amendment to the Constitution. That restricted the powers of the Federal Government in a great many particulars.

The CHAIRMAN. That is true; but take the general proposition, the General Government in a general way derives its power from a constitution.

Mr. HAYDEN. And is limited by it.

The CHAIRMAN. And the State legislature finds the constitution but a limitation on its powers. Now, is there anything to be extracted from that which would have any bearing on this bill?

Mr. DAVENPORT. The Federal Government is one of enumerated powers and the State government has all the powers of sovereignty except so far as they are limited by the State constitution and by the Federal Constitution.

Mr. HAYDEN. That is correct.

The CHAIRMAN. And therefore the act might be perfectly constitutional, under the State constitution, but no power found to support it under the Federal Constitution.

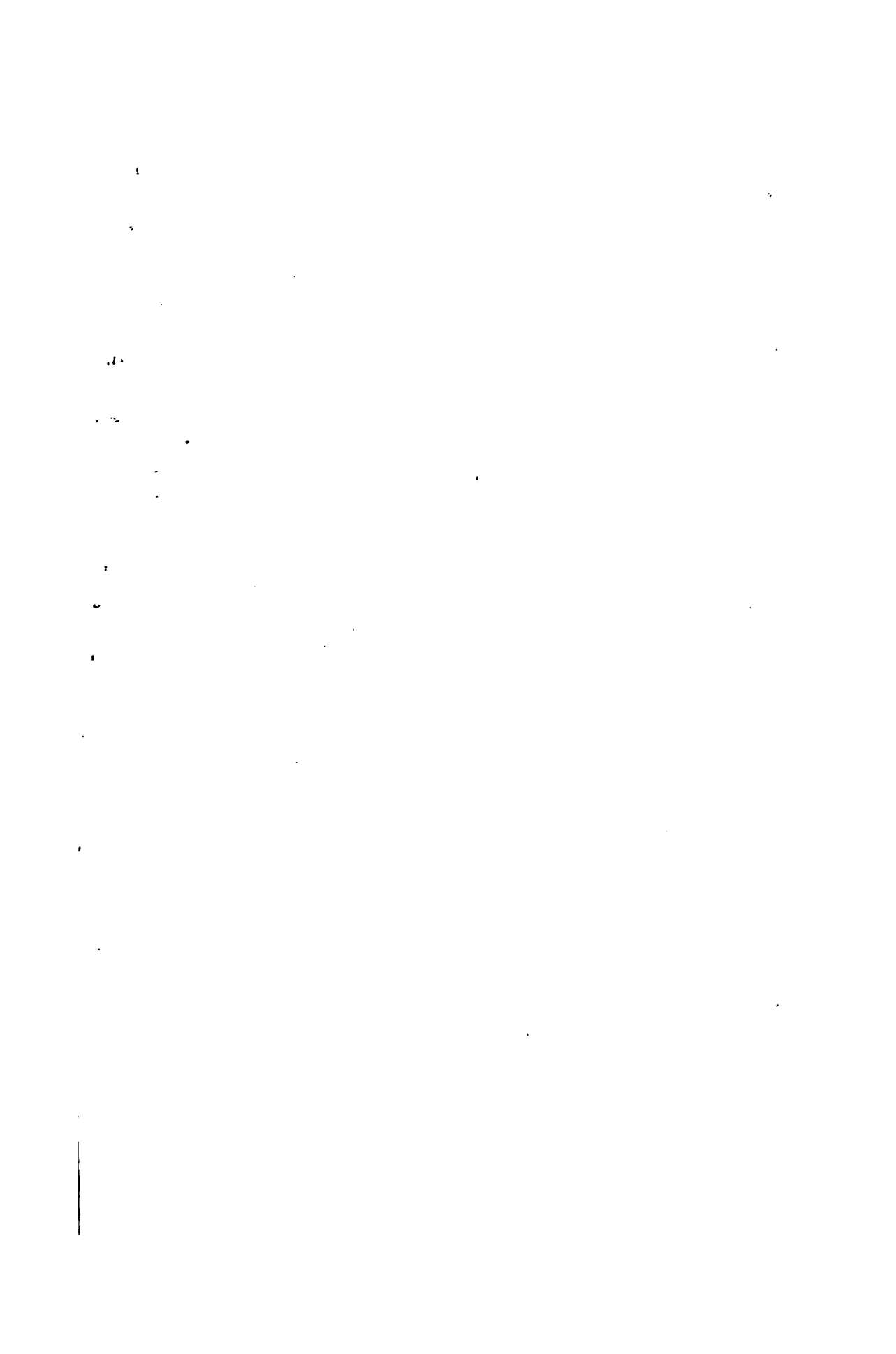
Mr. HAYDEN. Very true, but the effect of a State constitution is the same in this respect that each curbs the legislative and the executive departments.

The CHAIRMAN. One curbs by forbidding and the other curbs by silence.

Mr. HAYDEN. There are positive prohibitions contained in the Federal Constitution.

The CHAIRMAN. Yes; but they are not so much in question here.

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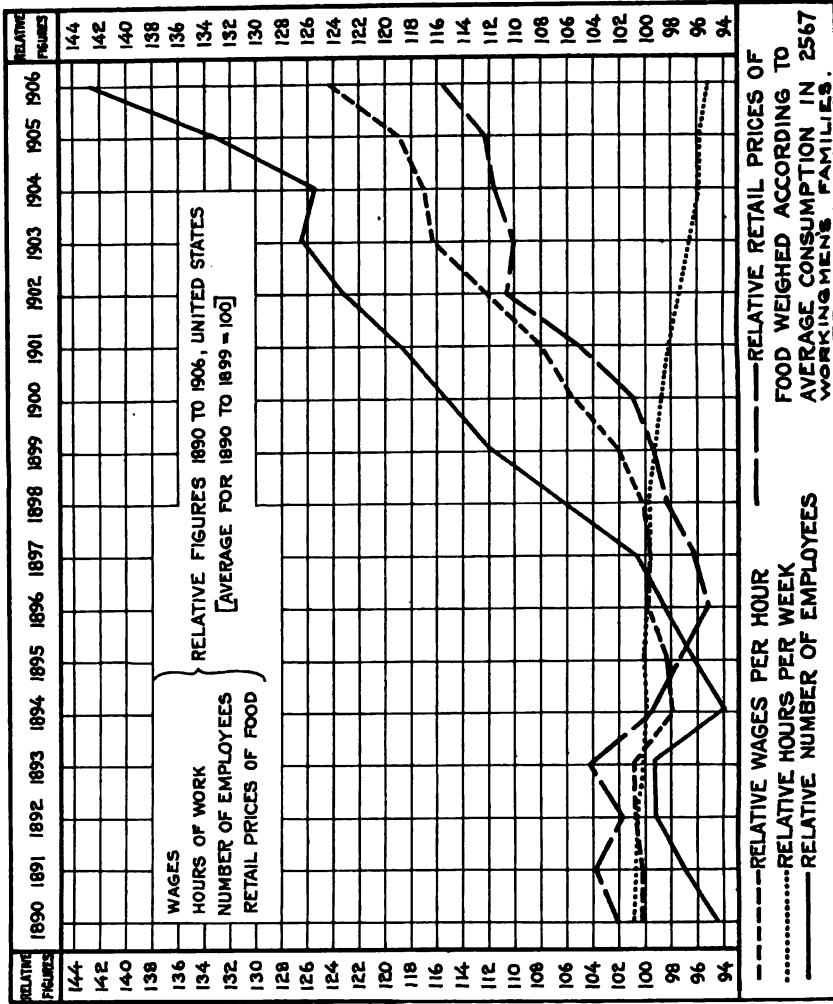
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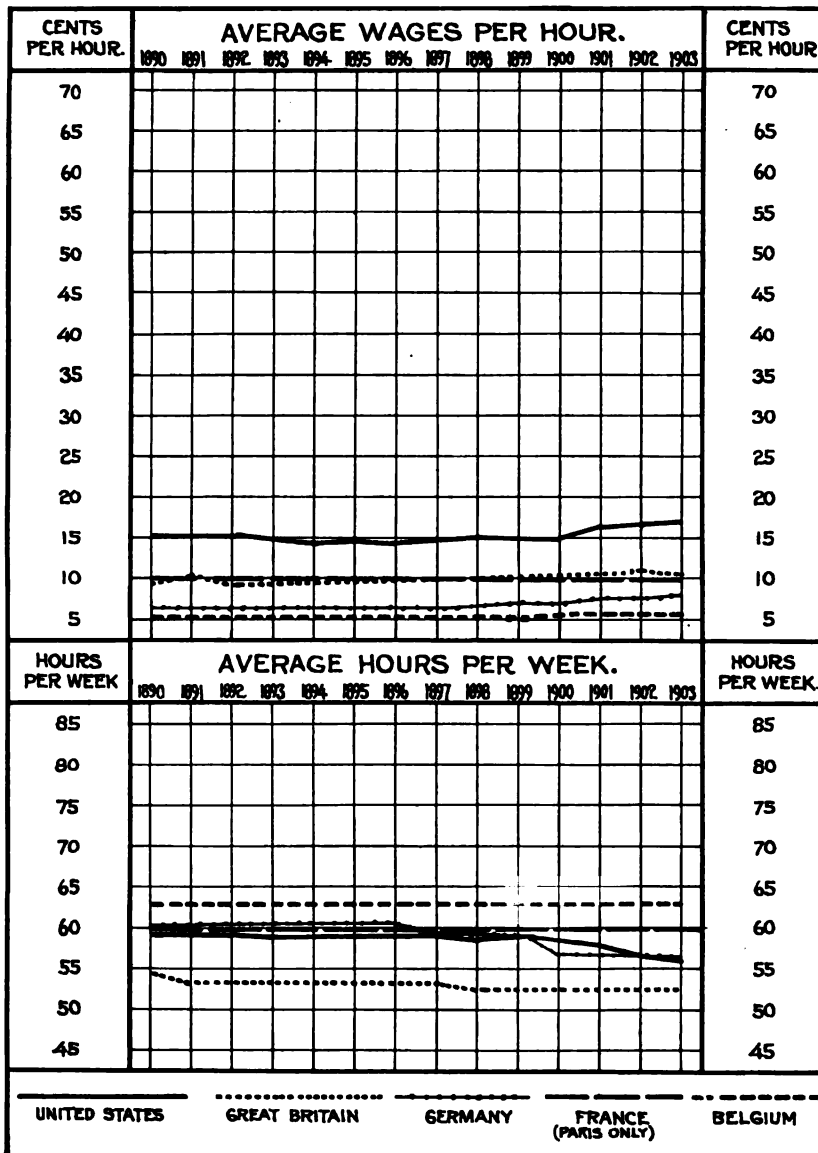






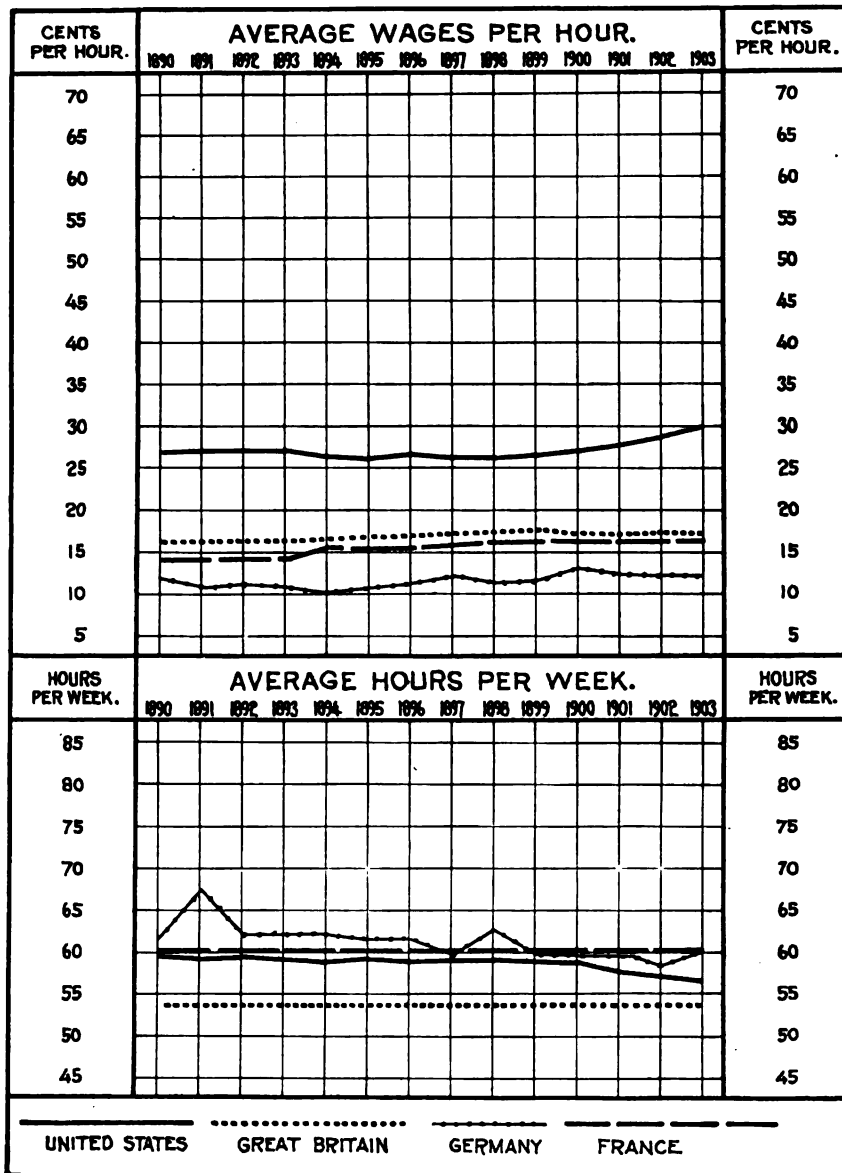
# WAGES AND HOURS OF LABOR: UNITED STATES AND EUROPE—1890 TO 1903.

## LABORERS—GENERAL.





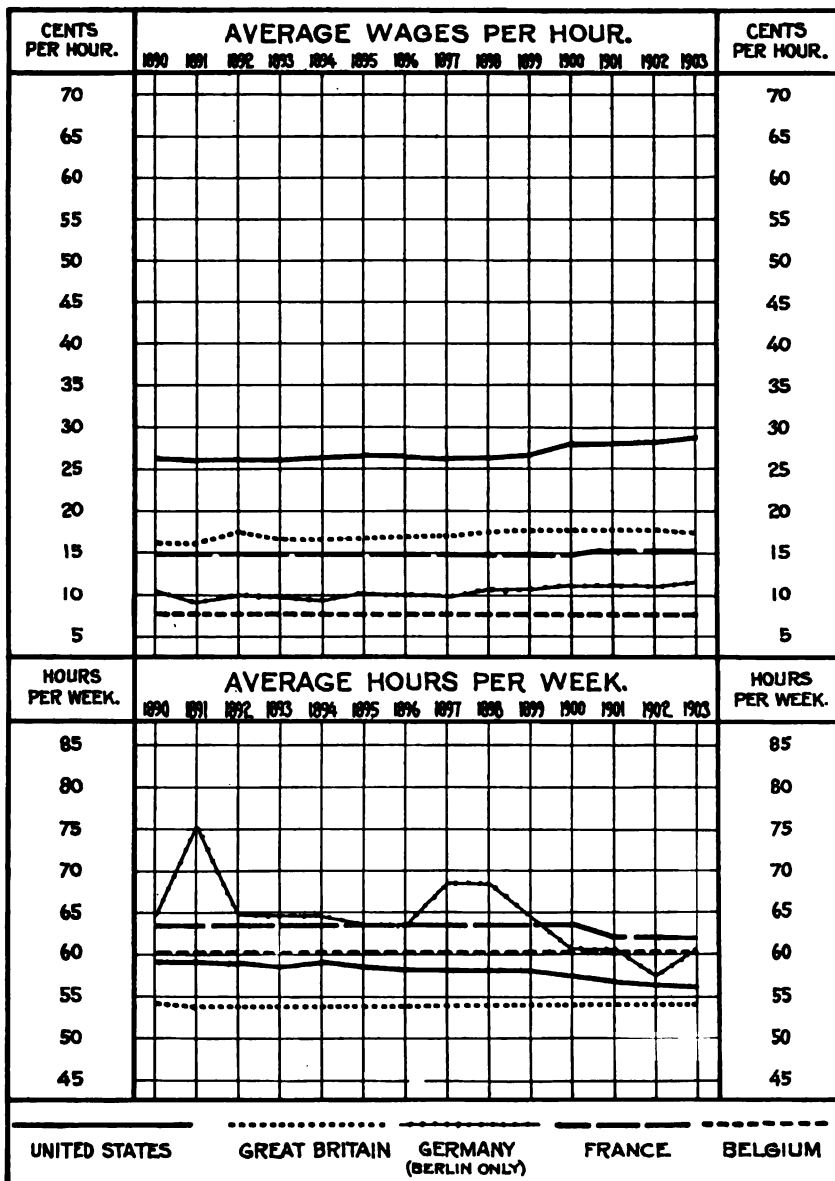
**WAGES AND HOURS OF LABOR: UNITED STATES AND EUROPE—1890 TO 1903.**  
**BLACKSMITHS.**





# WAGES AND HOURS OF LABOR: UNITED STATES AND EUROPE—1890 TO 1903.

## BOILERMAKERS.

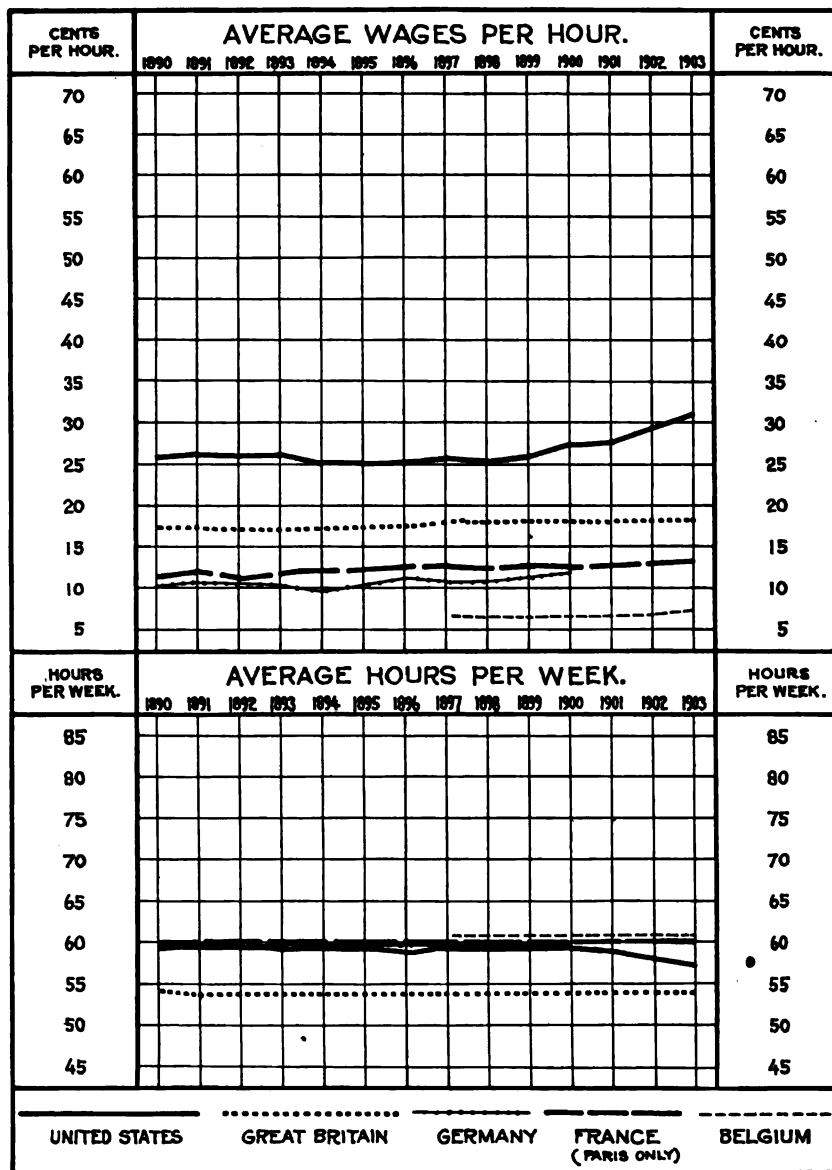






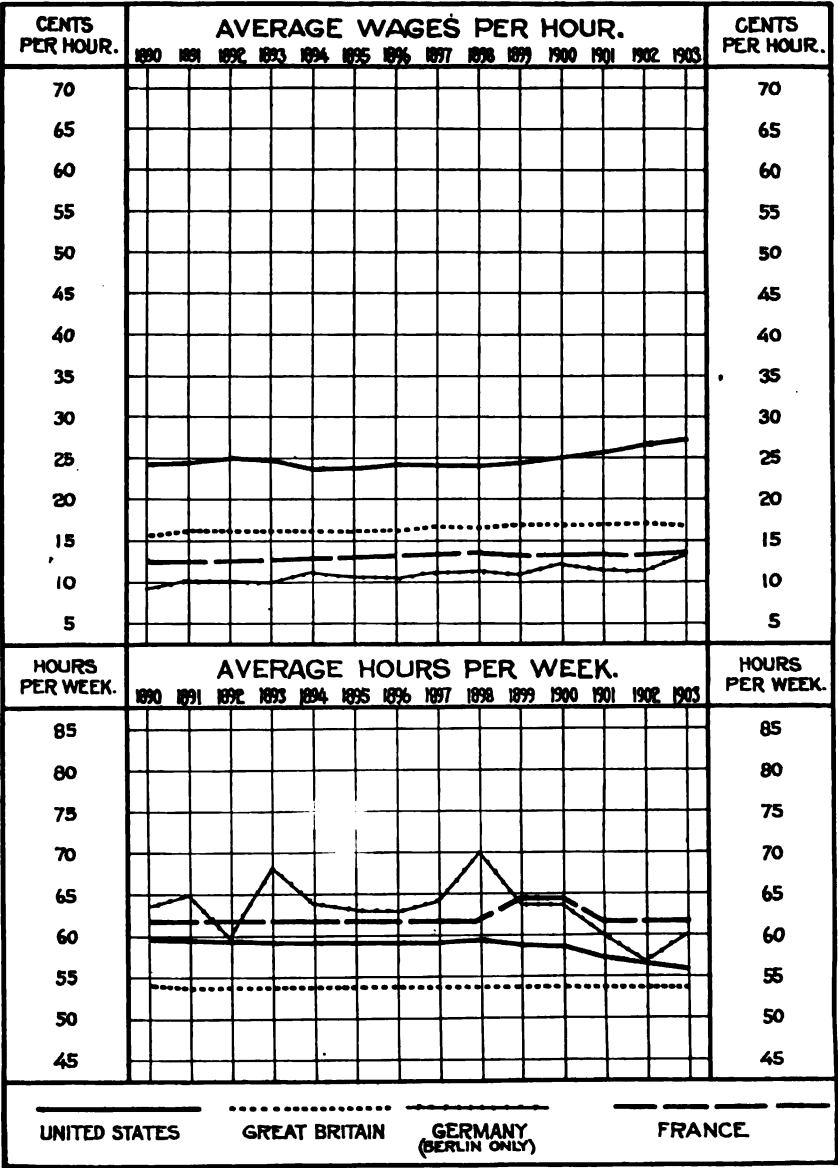
WAGES AND HOURS OF LABOR: UNITED STATES AND EUROPE—1890 TO 1903.

IRON MOLDERS.





WAGES AND HOURS OF LABOR: UNITED STATES AND EUROPE—1890 TO 1903.  
MACHINISTS.



The CHAIRMAN. There is not any question about that, but they are not drawn in question in the matter I was trying to inquire about.

Mr. HAYDEN. Perhaps I did not understand the question.

(The chart above referred to is here set out in the record as follows:)

(Thereupon, at 12.50 o'clock p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) presiding.

STATEMENT OF MR. DANIEL DAVENPORT.

Mr. DAVENPORT. Not to detain the committee very long, knowing you are very busy men, I will say that I wanted to talk about one or two aspects of this matter that occurred to me. We all listened with interest, and I think with conviction, to the argument of Mr. Hayden this morning on the constitutional inability of Congress to insert a provision of this kind in the contract that it makes for the production of a chattel where the ownership remains in the contractor until it is tendered to and accepted by the Government—that is, the contract between the Government itself and its immediate contractor.

Now, I want to direct the attention of the committee to other difficulties that lurk in this bill, even assuming that the Government could insert such a provision in its contract with its immediate contractor, for I take it that this committee, having in mind the public interest, would want to see to it that if possible protection be given to the contractor in his dealings with the subcontractor, and his subcontractor, and so on down the line, for of course it would not be just to require him to make such a contract as this if he could not protect himself from the acts of his subcontractors, and, in the second place, it would be very bad policy, because if such contractor can not so protect himself, then it would deter him probably altogether from taking contracts, and so the effect on the business of the Government would be disastrous, for in the existing condition of affairs, and in any condition of affairs that is likely to exist in long years to come, it can not be supposed that the Government of the United States could undertake to manufacture everything that is covered by the provisions of this bill without resorting to private establishments.

We may start, I take it, with certain fundamental propositions that will be conceded by everyone. Three ways, possibly, would be open to the contractor to try to protect himself. One would be by stipulating with his subcontractor that any fines or penalties that might be incurred by the contractor through the fault of the subcontractor should be withheld from the payment to the subcontractor. Another might be that by taking a bond from his subcontractor to indemnify him from any loss that he might sustain from the acts of the latter.

As to the first protection, of course, there is no relation whatever in amount between the contract price that the contractor is to pay to the subcontractor and the fines or penalties which might be imposed upon the contractor by the failure of the subcontractor to do as he agreed by permitting his men to work more than eight hours

a day. The whole price, as I said the other day, that he would be paid might be only a thousand dollars, and he might easily impose penalties of \$5,000 upon the contractor.

The other means of protection would be by a bond, assuming that the subcontractor could secure a bond from some company to indemnify the contractor; but as I said before, the litigation between the contractor and the subcontractor would necessarily be between citizens, and in the appropriate court, either a State court if they were citizens of the same State, or a Federal court if they were citizens of different States; in which latter case the Federal court would have concurrent jurisdiction, assuming the amount was sufficient, with the State court.

Another way that might be suggested would be that there should be inserted in the subcontracts, either by direction of Congress or by contract between the contractor and the subcontractor and so on, a provision that the matter should be determined by the action of the Federal authorities. Of course the same difficulty would exist there, in view of the disputes arising between them. But let us now look at this thing from the standpoint of the constitutional power of Congress to so direct, of making it obligatory by law that there should be a provision of the latter character in the contract relations between the contractor and his subcontractors. Suppose a concrete case. Suppose the William Cramp & Sons Shipbuilding Company made a contract with the Carnegie Steel Company for the production of a certain quantity of armor plate according to certain specifications. Of course if the subcontractor made that armor plate and tendered it to the contractor and the contractor accepted it, the Government would not be obliged, and could not be obliged, by such acceptance by the contractor, to accept the ship in the respect that it was supplied with that armor plate. Of course the armor plate would be the property of the subcontractor until such time as it was delivered to and accepted by the Cramps. The ship would be the property of the Cramps until such time as it was delivered to and accepted by the Government. Now, we have all of us been educated in times past as to the proper sphere of authority of our dual form of Government; that the State possesses all powers not granted by it to the Federal Government except such powers as it is restricted by the Constitution of the United States from exercising. That is the doctrine in Connecticut, and I suppose it is the doctrine everywhere.

The Government of the United States is one of enumerated powers, and it can exercise only those powers which are expressly or by proper implication granted in the Constitution. Let us take the case of the arrangement between the Cramp Shipbuilding Company and the Carnegie Steel Company. Suppose the State of Pennsylvania should pass a law prohibiting the parties from stipulating for the doing of any work on that job from working more than eight hours; of course it would be invalid. It would be beyond the power of the State under the decision of the Supreme Court of the United States in the New York case, the Bakery case, and their more recent decisions, because of the limitation on the action of the State in the fourteenth amendment, that no State shall pass any law which deprives any person of life, liberty, or property without due process of law. In the same way and for the same reason, and an added reason also, the Congress of the United States could not make a

direct provision of that kind, for the reason that there is the same limitation on Federal power and Congressional action by the fifth amendment, which says no person shall be deprived of life, liberty, or property without due process of law; and for the added reason that the relation existing between those parties is beyond the purview of the Federal authority; it is not within the enumerated powers conferred upon the Government and it can not be found in them by reasonable implication. Therefore it is as far beyond the jurisdiction of the Federal Government, as a sovereignty, as would be the case if it was a transaction in Canada or in France. And that consideration is especially proper, when applied to the District of Columbia, and to the instance cited by the chairman in Arizona. While it has the powers of a sovereign in the District of Columbia and in the Territories, there is upon the action of the Government therein the limitation of the fifth amendment which prohibits it from depriving any person of life, liberty, or property without due process of law, and if you gentlemen care to go into the history of the matter—for it is new to everyone, I think, who sits in this committee except the chairman, and he was not in Congress at the time, though he came in shortly afterwards—in the discussions on the existing eight-hour law in the Fifty-second Congress, or in 1892, which must have been the Fifty-second Congress—

Mr. PAYSON. It was.

Mr. DAVENPORT (continuing). A proposition was made to amend the proposed bill by including any corporation in the District of Columbia chartered by the United States Government. An amendment of that kind was proposed by a Member by the name of Haugen.

The CHAIRMAN. What was that amendment?

Mr. DAVENPORT. It was proposed to amend the bill so as to include all corporations chartered by Congress and doing business in the District of Columbia, the attempt being to get at the employment of the street-car employees and others.

Mr. PAYSON. To bring them within the provisions of the then proposed eight-hour law.

Mr. DAVENPORT. The gentleman proposing the amendment did not get it before the House in such a way that it could be acted upon, but there was a very general discussion in the House over the scope of that bill and the constitutional limitations upon Congress. Will you tell me, Mr. Chairman, if the majority of that Congress was Democratic or Republican?

The CHAIRMAN. It was a Democratic Congress.

Mr. DAVENPORT. Mr. Tarsney was chairman, I know, and the existing law was reported by him at that time.

The CHAIRMAN. It was a Democratic House; I do not know about the Senate.

Mr. DAVENPORT. Well, this matter was not discussed in the Senate at all. All the discussions in the Senate are in 3 inches of the Congressional Record of that time. It was stated, in the first place, that the purpose of this law was to make effective the provisions of the previous act of 1868. The act of 1868 had been passed fixing eight hours as the workday for Government employees, and it was not observed. There were decisions by one authority after another, and finally by the Supreme Court of the United States, and the result was

that it was held that the act of 1868 did nothing more nor less than establish a standard day of eight hours on Government works, and the Supreme Court of the United States had held that a man might bargain and sell his labor to the Government through a contractor on the public work and not be under that act. So the act of 1892 was prepared, advocated, and pushed to its passage upon the theory that it was the means adapted to enforce and make effective the law of 1868, but it was conceded that the Congress of the United States could not go beyond that; that it could not go beyond making provisions in regard to its own work, its own employees, and that a contractor on the public work was only another form of an employee of the Government; and so I say the friends of the bill and opponents of the bill almost unanimously, if not quite unanimously, agreed that the act of 1892 was going to the verge of the power of the Government to deal with this matter, and that it could only be justified upon the principle that the Government as an employer, employing its own men upon its own works, was a sovereign at the same time that it was a contractor, and that as a sovereign dealing with its own property in this way it could enact that statute.

The CHAIRMAN. Pardon me, I do not want to interrupt you, but I think that is a matter of record in the argument elsewhere. I think the committee claimed for its justification that it had done all that could be done under the Constitution.

Mr. DAVENPORT. At any rate, a casual examination of a few pages of the Congressional Record, perhaps 10 or 15 pages, which contain the debate on this matter, shows that the statement I have made is correct, and very likely, as the Chairman suggests, it is a matter of record in the proceedings of this committee.

The CHAIRMAN. What we want to find out is whether they were right or not.

Mr. DAVENPORT. As has been often stated, there is this inability of the Congress as a sovereign to legislate directly in this matter as between the contractor and itself in chattel work, in which the title does not pass from the contractor until acceptance by the Government, or to legislate as to the relations between the contractor and the subcontractor, and his subcontractor, and so on ad infinitum. It was suggested and has always been contended here by the advocates of this legislation that while Congress could not do that by direct legislation, it could have a stipulation inserted in Government contracts by which the parties immediately dealing with the Government would agree to a contract containing those stipulations by which the contractor would become the guarantor for all its subcontractors down the line.

I am not going to travel again over all the arguments which have been so lucidly presented by Mr. Hayden this morning in regard to the matter so far as it affects the Government and the original contractor. I come back to this. You gentlemen, of course, as just men and as wise legislators, having in view the welfare of the Government, which of course is a great business institution, will feel it incumbent upon you to in some way protect that contractor from the liabilities that he is going to assume in consequence of the failure of his subcontractors to work only eight hours in a day. Now, suppose you resorted to this particular means and you enacted that

not only in every contract made by the contractor with the Government, but in every subcontract between the contractor and his subcontractors, and so on down the line, there should be inserted a stipulation such as is provided here, whereby the subcontractors would agree to leave the determination of the matter to the Court of Claims or some Government official, and in that way seek to protect the contractor from the subcontractor, so that, in litigation between those parties, the State courts would be ousted of their jurisdiction and the subcontractor would be deprived of making a claim there that he had not violated it, although the Government official had found that he had, or that the party with whom he had contracted had waived the conditions of the subcontract. You will observe this. The subcontractor of the subcontractor might claim that that subcontractor had waived the conditions of his subcontract. That would not at all avail the original contractor with the Government in regard to the matter, because the absolute provisions of this bill are such that a waiver made by the original contractor to that subcontractor, either with or without the permission of the subcontractor who was his original contractor, would not operate to relieve the contractor of the responsibility in his dealings with the Government under his contract with it.

I want to call your attention to certain propositions of law that seem to be very well established as bearing on the invalidity and impotence of such stipulations imposed either by direction of the Federal Government or by agreement between the parties as between the contractor and the subcontractor, and so on down the line. Now, it comes to this, that a proposition is made to make a valid stipulation in the contract between the original contractor and the subcontractor in a matter which is confessedly, or which must be conceded to be, utterly beyond the scope of the power of the Congress of the United States by direct legislation to reach; and I want to call the attention of the committee to the principles that are involved in it.

As I said the other day, it is a fundamental principle of constitutional law in our country that a State can forbid a corporation organized by another State from doing business within its limits. It can provide also that if a corporation organized by another State does business within a State the latter can revoke the license. It has also been recently held by the Supreme Court that the State may insert a provision in the permit to that foreign corporation to do business in the State that the corporation shall stipulate that if it shall remove a case into the United States court the license may be revoked. Now, we have those undoubted powers of the State; yet it is established overwhelmingly by the decisions of the Supreme Court of the United States that a party can not directly stipulate, and the State can not require a direct stipulation, that the party shall not resort to the Federal court by removal, and on this proposition I want to call your attention to the case of *Insurance Company v. Morse* (20 Wallace).

Mr. PAYSON. That is to say, if I understand you, for I am following you with interest, if it is beyond the power of Congress to require the condition, it is not binding upon the party who assents to it?

Mr. DAVENPORT. No; that such a law does not give it any validity, and the agreement is void.

Mr. PAYSON. That is what I understood you to say.



Mr. DAVENPORT. For quite other reasons.

Mr. PAYSON. Yes.

The CHAIRMAN. You have just cited a case of which I admit, I know nothing. Has the Supreme Court decided that the license may be revoked because the company refuses to be bound by the admittedly illegal stipulation?

Mr. DAVENPORT. Yes; they may annex a stipulation. Of course there is a divided court on the subject. I am calling attention to this for the purpose of showing that attempts to get at this thing by agreements are of no consequence, because of the inability of the party to stipulate and the inability of Congress to require the stipulation. I want to direct your attention more particularly again to the case of the Insurance Company v. Morse, in 20 Wallace, beginning at page 445. The syllabus is as follows:

1. The Constitution of the United States secures to citizens of another State than that in which suit is brought an absolute right to remove their causes into the Federal court, upon compliance with the terms of the twelfth section of the judiciary act.

Now, follow it closely. This will show you the vast importance of the distinction between agreeing not to do this and getting at it in another way.

2. The obstruction to this right imposed by a statute of a State, which enacts "that any fire insurance company, association, or partnership, incorporated by or organized under the laws of any other States of the United States, desiring to transact any such business as aforesaid by any agent or agents in this State, shall first appoint an attorney in this State, on whom process of law can be served, containing an agreement that such company will not remove the suit for trial into the United States circuit court or Federal courts, and file in the office of the secretary of state a written instrument, duly signed and sealed, certifying such appointment, which shall continue until another attorney is substituted," is repugnant to the Constitution of the United States and the laws in pursuance thereof, and is illegal and void.

3. The agreement of the insurance company, filed in pursuance of the act, derives no support from a statute thus unconstitutional and is as void as it would be had no such statute been passed.

Mr. HASKINS. What State did that come up from?

Mr. DAVENPORT. Wisconsin. Now, there are two propositions involved in this. One is that an agreement of a party not to go into court—of the subcontractor not to go into court—and fight the contractor in his State tribunal, or in a Federal tribunal if they are citizens of different States, is a thing which would be void. Of course as I go along you will make the application.

About every argument that is urged in support of the proposition that a man can bind himself by any sort of contract, that a man can take it or leave it, was urged by the attorneys in that case, and I want to call the attention of the committee to what the court says upon both propositions. The opinion was delivered by Mr. Justice Hunt and was dissented from by the Chief Justice, with whom concurred Mr. Justice Davis dissenting, who construed the act to be of another character and such as has since been held to be valid in the Kentucky case (202 U. S.). Mr. Justice Hunt said in this opinion:

The refusal of the State court of Wisconsin to allow the removal of the case into the United States circuit court of Wisconsin and its justification under the agreement of the company and the statute of Wisconsin form the subject of consideration in the present suit.

You understand that this company had done business for some time in Wisconsin, had filed its agreements and appointed its attorney,

and came under the provisions of the law, and had insured people under the law and the agreement it had made with the State, in which they stipulated that they would not remove their cases into the Federal court. That was the situation.

Mr. PAYSON. Then they were sued and attempted to remove.

Mr. DAVENPORT. Yes, and did remove.

Mr. PAYSON. Yes.

Mr. DAVENPORT. Continuing, the opinion says;

The State courts of Wisconsin held that this statute and their agreement under it justified a denial of the petition to remove the case into the United States court. The insurance company deny this proposition, and this is the point presented for consideration.

Is the agreement thus made by the insurance company one that, without reference to the statute, would bind the party making it?

Should a citizen of the State of New York enter into an agreement with the State of Wisconsin that in no event would he resort to the courts of that State or to the Federal tribunals within it to protect his rights of property, it could not be successfully contended that such an agreement would be valid.

Should a citizen of New York enter into an agreement with the State of Wisconsin, upon whatever consideration, that he would in no case, when called into the courts of that State or the Federal tribunals within it, demand a jury to determine any rights of property that might be called in question, but that such rights should in all such cases be submitted to arbitration or to the decision of a single judge, the authorities are clear that he would not thereby be debarred from resorting to the ordinary legal tribunals of the State. There is no sound principle upon which such agreements can be specifically enforced.

We see no difference in principle between the cases supposed and the case before us.

It would be well, perhaps, to inject here that the Court of Claims is not a constitutional court; it is not a court to which parties are required to resort and can be required to resort in derogation of their rights to resort to the regularly constituted tribunals of the State or nation. It is only because that is the only place that they are permitted to sue the United States Government, which by reason of its sovereignty has the right to refuse to be sued anywhere, that they are compelled now to it in claims against the Government itself.

Again:

We see no difference in principle between the cases supposed and the case before us. Every citizen is entitled to resort to all the courts of the country, and to invoke the protection which all the laws or all those courts may afford him. A man may not barter away his life or his freedom, or his substantial rights. In a criminal case he can not, as was held in *Cancemi's case*,<sup>a</sup> be tried in any other manner than by a jury of twelve men, although he consent in open court to be tried by a jury of eleven men. In a civil case he may submit his particular suit by his own consent to an arbitration, or to the decision of a single judge. So he may omit to exercise his right to remove his suit to a Federal tribunal, as often as he thinks fit, in each recurring case. In these aspects any citizen may no doubt waive the rights to which he may be entitled. He can not, however, bind himself in advance by any agreement, which may be specifically enforced, thus to forfeit his rights at all times and on all occasions, whenever the case may be presented.

That the agreement of the insurance company is invalid upon the principles mentioned, numerous cases may be cited to prove.<sup>b</sup> They show that agreements in advance to oust the courts of the jurisdiction conferred by law are illegal and void.

<sup>a</sup> 18 New York, 128.

<sup>b</sup> *Nute v. Hamilton Insurance Co.* (6 Gray, 174); *Cobb v. New England Marine Insurance Co.*, *ib.*, 192; *Hobbs v. Manhattan Insurance Co.*, 56 Maine, 421; *Stephenson v. P. F. and M. Insurance Co.*, 54 *id.*, 70; *Scott v. Avery*, 5 House of Lords Cases, 811.

Then follow a couple of pages of citations, which are directly to the point and well known. It is said:

Many cases are cited in support of the rule thus laid down. Upon its own merits, this agreement can not be sustained.

Does the agreement in question gain validity from the statute of Wisconsin which has been quoted? Is the statute of the State of Wisconsin which enacts that a corporation organized in another State shall not transact business within its limits unless it stipulates in advance that it will not remove into the Federal courts any suit that may be commenced against it by a citizen of Wisconsin a valid statute in respect to such requisition, under the Constitution of the United States?

Then the court proceeds to declare that a corporation is a citizen of the State of its creation, and that every citizen has the right under the Constitution to remove his suit into the Federal court, any legislation by the State to the contrary notwithstanding, and that the requirement of the statute that they should agree to this is void. That case has often been followed, and it was applied in various cases until we come down to the case of the Security Mutual Life Insurance Company v. Pruitt (202 U. S., 246), where that case just cited and the other cases following along the same line are commented upon and the principles applicable to the subject are discussed and affirmed, with this result. They say, in the first place, that an agreement exacted by a statute that the parties shall not remove a case into the United States court is a nullity; that, as a condition of the company doing business in such State, and preliminary to it, it is a nullity. But the majority of the court in the Pruitt case said that it was still within the power of the State to say, not as a preliminary to doing business in it, but as a condition of forfeiture, "We will let you do business, but if you do it, and you remove the case into the United States court, your right to continue to do business here is forfeited."

Now, that is the distinction, and this is what the courts say, pointing out the difference between trying to get at these things by agreement, it being confessedly within the power of the State at all times to deny the foreign corporation the right to do business there. It is within the power of the State to declare that they shall not remove the case, and if they do remove it, to deny them the right to do business further; but the provision in the contract that the case shall not be removed is an utter nullity, so that the power of the State to rescind that license for doing the thing which the party has stipulated not to do, though it can not be exacted as a preliminary, can be exercised by the State while the stipulation itself is void. Mr. Justice Peckham, delivering the opinion of the court, having called attention to the decisions before, said:

In these two cases this court decided that any agreement made by a foreign insurance company not to remove a cause to the Federal court was void, whether made pursuant to a statute of the State providing for such agreement, or in the absence of such statute; but that the State, having power to exclude altogether a foreign insurance company from doing business within the State, had power to enact a statute which, in addition to providing for the agreement mentioned, also provided that if the company did remove a case from the State to a Federal court, its right to do business within the State should cease, and its permit should be revoked. It was held there was a distinction between the two propositions, and one might be held void and the other not.

And they say that there is no doubt about the fact that any agreement of a party not to remove a case into the Federal court was a nullity that the State could not exact such an agreement from a party, but that after having gotten that permission and having

entered the State, if they did remove a case the State could withdraw the license.

Mr. HASKINS. That is, they could declare the license forfeited?

Mr. DAVENPORT. Yes.

Mr. HASKINS. They could do that without that agreement.

Mr. DAVENPORT. Yes, sir. The effect of what the court said in that case in considering the question in the particular relation in which I am now considering it is this: That because Congress has no power to invade the States or infringe upon the relation between individuals directly, you can not enact a law for the same purpose by exacting a stipulation to do it. In other words, the Congress by an act of its sovereign authority can not say to those individuals "You must regulate your arrangements under certain conditions by stipulation," it being conceded that the matter is beyond the direct power of Congress. Now, the cases in principle are exactly parallel. An act of Congress which provided in express terms that the contracts between the contractor and the subcontractor should contain a stipulation of this kind or, rather, provided that the party should waive his right to go into the State court for the protection of his rights which he claimed to exist under that contract and resort to some Federal authority or some Federal tribunal would be void, because the subject is beyond the control of Congress. In other words, to sum it all up, the statute adds no validity whatever to the relations existing between the parties, and is further an indirect attempt to deprive that party of constitutional rights which are secured to him by the State and by the nation, both.

Now, that is a very practical matter; it is a matter that will "raise hob," if this law should happen to be passed. Suppose the Cramps had the opportunity to secure a contract from the Government for the building of a battle ship, and they resorted to Judge Payson or Mr. Hayden, whoever might be their legal adviser, to know whether they could protect themselves, or how they could protect themselves, from the consequences of the violations that are possible, and more than probable, indeed, by the various subcontractors. Well, he would have to advise them; and how would he do it? He must say to them "Why, you are going to get in a mess here; you are going to get into a hopeless tangle. Your situation is bad enough now, but it would be infinitely worse if you resorted to this method, if you were to come under this stipulation. I advise you that you can not protect yourself from all these consequences." That is what he would probably say. But if he attempted to do it, if he said "The job is a good one and the pay is ample; you had better take your chances, and I will see if I can not get up some sort of arrangement on which you can fall back and feel absolutely sure that if the money is withheld from you by the United States Government on account of the acts of the subcontractors, you can come back on the subcontractor and his subcontractor perhaps, or at any rate upon the subcontractor, being the immediate contracting party," he would be at once confronted with this difficulty, that every question of fact growing out of that matter would have to be settled and tried by a jury in some State court, with all the chances of loss by the contractor in view of the claims of the subcontractor that he did not violate the provisions of it, or if he did, that it had been waived; and a waiver, you know, may be inferred from a great variety of circumstances, some very slight. Anything

that indicates a disposition on the part of one party not to insist upon it, which the other party acts upon, is in law a waiver.

The CHAIRMAN. Is not that rule modified where the waiver constitutes a breach of contract?

Mr. DAVENPORT. Why, no. We have it every day in our practice. You know that the provisions of a written contract can be waived by parol, sometimes even where a party stipulates in the contract that the waiver must be in writing. Any provision in the contract, of course, can be waived by the parties, and you must fall back upon conflicting testimony, oral testimony, and proof of circumstances and the judgment or opinion or whim of the jury.

The CHAIRMAN. I do not want to interrupt your argument, but take a case like this, the best illustration, perhaps, that we can find: Everybody is assumed to know the law. Now, this bill is law. The subcontractor, therefore, knows that a waiver of it on the part of the contractor would constitute on his part a breach of contract. Would not that very much modify the rule?

Mr. DAVENPORT. How would it constitute a breach of contract?

The CHAIRMAN. Because the contractor contracts not to violate the law.

Mr. DAVENPORT. I am talking about the contract between the contractor and subcontractor.

The CHAIRMAN. You do not catch the point. You might say to me things what I would construe to be a waiver under one set of circumstances; but if I knew that your contract was governed by law, and that such a waiver on your part would be a breach of your contract and a breach of the law, is not the rule as to waiver very different there?

Mr. DAVENPORT. There is nothing here in this law that does anything more than relate to the relation between the contractor and the Government.

The CHAIRMAN. No, but it would be a public statute.

Mr. DAVENPORT. No; but in its terms it is governing the relation between the contractor and the Government. Now, then, of course the contractor could say, "Why, I will stand all penalties; go ahead and do this work. I have got to have it. I can waive it." Indeed, except in the case we were talking about the other day, where the act would be a violation of a criminal statute like the act of 1892, the Government itself could waive it. I do not know whether the Government could waive the provisions in its favor.

Of course it is not necessary for me to elaborate the matter any further. The very acute minds of the gentlemen who have to pass upon this question will follow it out to its conclusion, remembering always that this bill, if it should become a law, would be the chart by which the Federal officials are hereafter to sail. They go out into the future with this to guide them; and when you get a law like this on the statute book it is a long time before you can get it repealed, even though it works badly, and it is years and years and years—it will be years and years and years—before these matters can be ultimately and conclusively settled by the tribunal of last resort.

The CHAIRMAN. I would be obliged, speaking for myself alone, if you would formulate your proposition as closely and accurately as you would formulate a syllabus, for instance. We would be very glad to have it, if it suits you. I have attempted it here, but the result is not altogether satisfactory.

Mr. DAVENPORT. There is another aspect of this matter. We are wading, you know, in pretty deep water when we undertake to discuss these matters.

The CHAIRMAN. See if I have your idea: The Government of the United States makes laws as sovereign; it contracts as a person. It may enforce as to its own contracts the laws it makes as a sovereign. These laws, however, can extend no further than its sovereign powers extend when, as a contractor, the United States is within its jurisdiction as a sovereign as to legislative power, but when it is outside of its jurisdiction, as measured by its legislative power, it is controlled by the same law which controls other contracts. Is that pretty near it?

Mr. DAVENPORT. That is all right as far as it goes, but what I am drawing attention to are the constitutional rights of the parties, which can not be got rid of.

The CHAIRMAN. That is covered in this.

Mr. DAVENPORT. A citizen can not agree, in his dealings with a citizen, not with the sovereign, not to resort to the courts, and I say that the whole matter of disagreements between the contractor and those who follow after him down the line is thrown necessarily into the State courts, or into a Federal court under similar conditions to that of a State court, and it is not possible for you gentlemen to protect that contractor from the consequences of the violation of this act by those below him, and therefore he is confronted with this difficulty, that he has the wall of the United States Treasury in front of him; the door will be closed against him and he can not get what is behind it out, and at the same time he will be harrassed and compelled, very likely, more than likely, to pay his subcontractors the very things, the price, which he has agreed upon; that he will be stripped of all the protection which he attempts to gain by stipulations in his contracts with them. You put him, as I have said often before this committee, between the upper and the nether millstones, and he will be ground to powder between them. It is not a wise provision for those who were compelled to resort to contracts to do their business to put in such stipulations and such limitations and restrictions upon the dealings with those people, and it is not just, either.

Mr. PAYSON. Before you leave that, upon the argument of inconvenience, it will be remembered, Mr. Chairman and gentlemen of the committee, that as to every subcontractor, no matter what the character of subcontracts may be or the matter which it covers, the thing that is provided by the subcontract is a finished product as to him when delivered to the contractor he has above him, and he is entitled to and receives his pay for it at the time, when the penalties provided for in this bill as between the Government and the contractor, if insisted upon between the Government and the subcontractor, would run for years, possibly, before they would ever be adjusted between the principal contractor and the Government. To make myself understood by a specific illustration: At the shipyard we contract with the Bethlehem Steel Company for the forging of a shaft. That order is given immediately upon our getting the contract, with the specifications. We know what we have to get into shape in constructing that shaft, and I may say in passing that it is one of the valuable things. To use an illustration that I heard employed by Mr. Huntington, he said that the cost of that great big shaft in the ship in its

finished condition was more than the value of the entire material in that ship in its raw condition. When the Bethlehem Steel Company delivers us that forging that is the end of the business with them. We contract for it when we get ready to go on with the Government. Then we commence the process of finishing it, and we have to pay for it when we get it, but we do not settle with the Government, maybe, for two or three years afterwards, maybe during the lifetime of the contract, usually from three to four years, while the forging was furnished to us during the first-six months of the contract and paid for. There may be any number of penalties that inspectors may be treasuring up. We pay the Bethlehem Steel Company for the forging, and three years afterwards here is a bill presented to us for the violations of that contract. In the meantime the witnesses have died, and we are at a disadvantage in furnishing proof that we have not violated the contract, and it just leads to endless, unnecessary, and unjustifiable interruption of orderly business transactions.

Mr. DAVENPORT. Of course, I accept that as a very admirable illustration of what I sought to explain. I am always in this position, gentlemen, when I am before a court; I know that the court understands the law probably better than I do; that I am consuming the time of the court, it seems to me, always in talking about it. The most that could be done is to suggest to the court the points and the principal reasons, and then drop it, because I know that under the responsibility of their positions they will be impelled to examine the matter thoroughly and come to as wise and as sound a conclusion as they can.

I also always feel a reluctance to suggest anything outside of the immediate matter to be discussed, the legal propositions involved. Would it be considered indelicate for me, however, to suggest to the members of this committee the very great individual risk they take in enacting a law of this character, which confessedly, according to the proponents of it, as expressed by Mr. Gompers yesterday, and as admitted by everybody, strikes down the right of the individual workingman of this country to work overtime for overtime pay? Mr. Gompers frankly conceded that that was the purpose and effect of it, and he said that was the desire of labor. I thought, when I heard him talk yesterday, how queer things come about. I was reminded of the incident, you remember, in the French Revolution; when Madame Roland mounted the scaffold her eye lighted on that plaster statue of liberty which the French, after their fashion, had erected in the Place de la Concorde, and as she looked at it and looked at the mob, she said, "Oh, liberty, how they have juggled with thee!"

I heard that man, standing before this committee, in the name of labor, in the name of the rights of the laboring man, in the name of the interests of the laboring man, advocating a law which stripped them of the right, and, as he said it would, carried to its logical conclusion, stripped them of all rights to work for themselves and their families by agreement with their employers anything over eight hours a day. He says he knows what the laboring people want. Other gentlemen have appeared here who said "We know they do not want it. Their whole lives are a contradiction of it. Our whole experience with them is a contradiction of it." I have no doubt that Mr. Emery could have produced thousands of witnesses, if it would not wear

out the patience of this committee—men who would come here and say that if any man voted for a law of this kind they would hound him out of public life for striking down that privilege of the American people. But, as I say, we are all here in our respective capacities. You gentlemen are here under the responsibility of your positions and of your oaths to do the right thing, the wise thing, and the just thing; and I feel that the threat that Mr. Gompers concluded his remarks with, that you had better look out, for after this might come the deluge, was not appropriate, and that any other collateral suggestions of this kind ought not to be made, because they serve to divert you from the proper subject of consideration here.

I want to say, however, one thing in regard to what he said about the association which I represent. I represent the American Anti-Boycott Association. That is an association formed five years ago for the purpose of getting the laws enforced, and for the purpose of putting an end to what is called the boycott. The reason that I am here in opposition to this bill is because the gentlemen who composed that organization are of the opinion that this law would put a boycott, so far as the Government work was concerned, upon every person who seeks to do Government work, unless he would consent to run his factory on an eight-hour basis. It is also the association that has been instrumental in securing from the Supreme Court of the United States the judgment in the case of *Loewe v. Lawler*, and I must confess, as I sat here and listened to Mr. Gompers's explanation of that decision, I was utterly amazed at the misconstruction and misconception he has of the effect of that decision. There is nothing in that decision that prevents laboring men from combining together or uniting in all respects to promote their interests, nothing to prevent them from bargaining collectively with their employers, nothing that prevents them from making agreements, such as he mentioned, with the employers. The only thing it does is to say that a combination, without cause, to ruin a man's interstate trade unless he will obey the behests of labor leaders is a combination, a conspiracy forbidden not only by the Sherman antitrust act but by the common law of this country.

That is all that decision amounts to. That is all the decision of Mr. Justice Gould in the supreme court of the District of Columbia amounted to. A concern having agreements with its employees, the Bucks Stove and Range Company, of St. Louis, was confronted by a strike in violation, conceded and confessed violation, of the agreement existing between that concern and the union, the members of which were, by the local union, ordered to strike. Upon his refusing to grant that demand thus made, that union, by threats and intimidation directed to the customers of the plaintiff in other States with whom that concern had agreements, sought to ruin the business of the company. Justice Gould simply said that by every law of God and man such conduct as that is forbidden, and the American Federation of Labor, Mr. Gompers, and his fellow-members of the executive council, should not be permitted to do it, and he issued an injunction to restrain them from doing it. He says this organization which I represent is before Congress opposing every little bill in the interests of labor. The only bills I ever opposed in behalf of that organization were this bill and bills like it which have heretofore been before this committee and the bills pending before the Judiciary Committee, which have sought to



strip the courts of this country of the right to protect the workingmen of this country from crimes and violence and intimidation. Those were the only bills which the organization which I represent has ever opposed. It is true that when the employers' liability bill was pending before the Senate Judiciary Committee, and I was present, having in my hand the 100 United States Report, I called the attention of Mr. Fuller to the fact that there was in his bill a radical vice which would insure its overthrow by the courts if it ever got before them—an incident I referred to the other day. But so far as the organization which I represent is concerned, it has no other purpose than to secure the enforcement of the laws which the people's representatives have enacted for the protection of all citizens, rich and poor alike, and to prevent attempts to strip the Federal courts of their necessary powers of equity.

Mr. HASKINS. Mr. Davenport, what is the proportion of organized labor in this country to the whole number of wage-earners?

Mr. DAVENPORT. Their statements in their reports show that there are about 1,750,000. What proportion of those are citizens of the United States and what proportion aliens I do not know, but the whole number of persons earning their daily bread by toil, I believe, is something between twenty-five and thirty millions. But you know that Mr. Gompers contends here that he represents not only organized labor, but the aspirations of the unorganized; that he has, in some way, become their constituted spokesman, and whenever statements are made before this committee to the contrary he says, "Why, these legal gentlemen, these manufacturers, these persons whose relations are the closest to their employees have no right to speak for them; if they do speak, they are biased." I well remember that four years ago before this committee I ventured a statement that the laboring men of Bridgeport belonging to unions, if they understood this bill, would hound out of Congress E. J. Hill, who is the most popular man, probably, ever in our district, if he voted for it, because if there was any privilege that they valued it was the privilege of working overtime for overtime pay.

Well, at next session of the committee Mr. O'Connell got up and read resolutions adopted by the Central Labor Union of Bridgeport, and of various other unions there, that they had understood I had made that statement, and in behalf of 12,000 union men in Bridgeport they wished to repudiate it and say that it was not true. But it so happened that a union man, a member of the union, knowing of this thing, had acquainted me in advance with what was to be done and he had given me the whole history of it. The central labor union met, and of the 32 or 33 unions in that city there were 19 unions represented, and there were only 23 men, their representatives, in that weekly meeting who had passed that resolution; and the other resolutions which purported to have been passed by the men in their unions had never been presented to the unions in a single instance, except the carpenters' union. The way the resolutions were forwarded was, they sent around and got the secretary—oftentimes had to resurrect him, they hardly knew who he was—and appended to those resolutions the names of the officers, and so Mr O'Connell, Mr. Gompers standing here, said "Why, we are their authorized representatives; we bring you here the voice of the workingmen of Bridgeport in these resolutions." I was very glad that the other day

a gentleman came down here from Bridgeport who had particular knowledge of the relations and of the things existing there. As I said at that time, I would be very glad if this committee would get power from the Congress to appoint a subcommittee with power to summon witnesses, and come up there to Bridgeport. We would entertain you royally, and we would put these men on the stand. I would take the testimony of those persons on this proposition. I say that the working people of this country are opposed to the idea embodied in this bill. I say that if they ever come to understand it they will repudiate all efforts made to procure its enactment, and I would not want any better campaign slogan in the Fourth Congressional district of Connecticut, if I wanted to run for Congress against E. J. Hill—a man whom, though I am a Democrat, I very frequently vote for for his present position because he is by far the most competent man in that district for the position—I would not want any better job than to go among the working people and say, “Do you know that E. J. Hill voted for a bill to deprive you of the right to work overtime for overtime pay?” I believe that even I would carry the district on that issue; I believe that any other Congressman will find that experience soon or late; but I have been led into this by some observations made by Mr. Gompers.

Mr. RAINEY. Admitting that you are correct in that, and that you have correctly interpreted the sentiment of the workingmen, what motive do their representatives and leaders have in misrepresenting the thing?

Mr. DAVENPORT. I will tell you what I think. I do not think that the representatives of organized labor who appeared here really understand this bill, as I said the other day. I can not believe it; I can not believe that they realize that they are taking away from every union man in this country the right of working overtime for overtime pay, which the very constitutions and the by-laws of all their unions provide for; I can not believe it. That is my idea about it. I know that probably there is a general idea among the people of the eight hour, like our friends out in Nebraska, when they passed a resolution, stating that they are in favor of an eight-hour day. What kind of an eight-hour day? There is a sort of nebulous idea that an eight-hour day means eight hours with the privilege of working overtime.

Mr. PARSON. And ten hours' pay?

Mr. DAVENPORT. With ten hours' pay, and, as I stated to this committee four years ago, when we were getting up this Anti-Boycott Association to protect Mr. Loewe, who was in his troubles, during the period of the anthracite coal strike, I went about to see the manufacturers of this country and to talk of the necessity of having an organization of that kind to protect Mr. Loewe and to combat this evil. I went into hundreds of establishments; and I often went into them at noon time, and the proprietors would invite me to see the works, a liberal education, a most astonishing revelation to a simple country lawyer, whose business had kept him in the State courts of his State. If I talked once I talked a hundred times with men in these establishments, not alone at Cramps, but in the great establishments in Connecticut and throughout New York State, and wherever I went. I traveled more miles to get that organization up than ever St. Paul did in all of his fourteen missionary journeys to found the infant church. While he was said to have fought with beasts at

Ephesus, I fought with bedbugs at Aurora, Ill. I went among them. I said, "Now, my friends, what do you think of this eight-hour proposition? Would you be in favor of a law that would deprive you of the right to work overtime for overtime pay?" I have stated this heretofore before this committee, that I never found one who did not say, "No; such a law as that, of course, I am not in favor of. I want no such thing as that." If Judge Payson, who can talk, would go with Mr. Gompers before any union in this country, in my opinion, and have a good, fair, and square talk on this subject and explain just what this bill is and just what the effect of it is, I think the majority would side with Judge Payson and his opposition to the bill.

Mr. HASKINS. Speaking of Mr. Gompers, you may call it a veiled threat which he made here yesterday. He should understand, as everybody else should, that this committee in whatever they do, in whatever action they take, are not looking for votes, ought not to look for votes, but we want to do what is right.

The CHAIRMAN. One moment. I did not mean to say a word, but I did not understand Mr. Gompers as you gentlemen have understood him. The language, I think, as the notes will reveal, is this, that Mr. Gompers was in tone complaining that we were not taking note of changes, and all that, and explained that he had no patience with men who acted "After them the deluge."

Mr. DAVENPORT. He used the expression "After us the deluge."

Mr. HASKINS. Taking that in connection with what he said heretofore.

Mr. DAVENPORT. It is immaterial.

The CHAIRMAN. I think the language means just the opposite.

Mr. DAVENPORT. The stenographer's minutes will disclose that, but I want to call attention to this, that this is not Mr. Gompers' first appearance before this committee. He was here in 1906; he was here in 1904. That was the first time I had anything to do with this matter. He was here in 1902, and so on back. Now, Mr. Gompers is in favor of any bill that has this eight-hour notion embraced in it. He comes here at one time and is in favor of the Gardner bill; he comes here the next time and he is in favor of the Hitt-McComas bill; he comes here again and he is in favor of the Gardner bill, and here we are back again, and he is in favor of the Hitt-McComas bill. And yet those bills are so different, those bills involve so many different consequences, that it may not seem as though to support both was consistent; it certainly would not seem so. What he said yesterday would be more particularly applicable to the Gardner bill; but be that as it may, do you notice that he does not help you one particle in the task which you have, of meeting these difficulties, making provisions adapted to the conditions of the country, to meet the constitutional objections that are urged and the difficulties which arise in your minds? Not a word.

Mr. PAYSON. Or even attempt to construe the bill.

Mr. DAVENPORT. And when he does, he construes it wrongly, I think.

Mr. PAYSON. He does not make any attempt.

Mr. HASKINS. Mr. Gompers is not a lawyer, is he?

Mr. DAVENPORT. No; he is not, but he comes here and delivers an address to you upon the great subject of the shortening of the hours of labor and the benefits that have resulted from it. But even there

he found himself in a difficulty in the decision of the question whether the egg preceded the hen or the hen preceded the egg. It pleased him to say that the reduction of the hours of labor has brought about all these great industrial benefits, that is, the reduction in the hours of labor has brought in the labor saving machinery, when a person who is familiar with the history of things knows that it is the very introduction of the labor saving machinery which has shortened the hours of labor; it is the five hundred million horsepower which Mr. Vreeland spoke of that has been added to the arms of men which supplements the labors of the people. Those are the things which have made the production so great that everybody can have a portion of it without having to toil the former greater length of time, and I myself would take issue with Mr. Gompers as to whether or not the unions which he so eloquently supports have not really been an obstruction, though I do not care to say that.

There is one country on earth, gentlemen, where the principle of labor unionism, I mean as it is practiced to-day in this country, has been carried to its fullest and logical extent, and that is China. That is a country which is oppressed by the same combinations that are known here as the labor unions. How long ago was it that we saw in the papers that in a certain village in China for generations the water had been carried by hand in buckets from a spring up to the village, and somebody came along with the proposition to introduce a steam pump and do away with all that manual labor. But they were not allowed to put it in, because the Chinese Water Carriers' Labor Union prevented it. Who ever heard of a labor union offering a prize for a labor saving machine? Mr. Gompers, when questioned here yesterday, finally said, in regard to his own union, that he was informed that they permitted their men to work upon machines, but that they would not permit them to put the union label on the product, which, of course, is the only test by which the public can judge what is produced by the labor unions, upon any machine-made cigar. My own information had always been that the Cigar Makers' Union prohibited its members from working upon labor saving machines in the manufacture of cigars. But I grant, I am quite willing to concede everything for the sake of the argument that can reasonably be claimed by the labor unions, that it is by their combined action, looking out for the interests of their class, that has forced legislatures to adopt safety devices and improve sanitary conditions, and so forth. I am quite willing to admit the many good things that can be brought about by the combinations of men in any association. The only thing that I am opposed to in this measure is that it is an unwarranted interference by the Government with the rights of the individual, attacking by indirection the right of the individual to sell his labor and to buy labor, and by force of law to bring about a result which the friends of the measure say is the thing they desire.

Mr. RAINEY. Suppose those words were stricken from the bill which have the effect of preventing laborers from working overtime for overtime pay; what would then be the vice of the bill, in your judgment?

Mr. DAVENPORT. The general proposition would be, of course, that it would interfere with the conduct of business; it would be bad policy in every way. Suppose it should read "No man shall be required to work more than eight hours in any one calendar day?"

Mr. RAINEY. That is what I mean, the words "or permitted."

Mr. DAVENPORT. If that was done, it would seem to me it would remove the principal objection to the bill.

The CHAIRMAN. In so far as I have observed, several courts, in passing upon the bills passed by various States, which bills were formulated along the general lines of the eight-hour bills pending before this committee, have never noticed the words "or permitted" or dealt with them at all in the decisions.

Mr. HASKINS. Just a word. The facts in the New York case, that is, the *Lochner* case, show that the baker did not require this man to work over the ten hours a day, but he permitted him to.

The CHAIRMAN. The New York case does not come within the bills I am speaking of.

Mr. HASKINS. He permitted him to work, and there the prosecution was founded upon that, that he permitted him to work overtime.

Mr. RAINEY. Do you remember the title of that case?

Mr. HASKINS. That is the case of *Lochner v. the State of New York*. Here in 1906 I tried before this committee to have that word "permitted" stricken out, and I stated so to Mr. Gompers and he was very much opposed to it.

The CHAIRMAN. I mention this matter, because, first, the words "or permit" were originally used in the bill with the idea that if they were not there there were a thousand ways to evade the matter of the requirement. Now, the impression left on my mind, without being able to cite the case, is that the courts have held, in substance, that the requirement would be inferred from so trivial causes, and connecting that with what some of the men here have stated, the plasterers, for instance, that they would realize that a declination to work overtime might jeopardize their positions, putting what the courts have said and what the witnesses have said here together, has created in my mind the impression that the words "or permit" are almost without significance in this bill.

Mr. HASKINS. I think it makes all the difference in the world in the case of a criminal prosecution.

The CHAIRMAN. In a criminal prosecution, yes, if this were a criminal statute.

Mr. RAINEY. Why put them in, then, if they are without significance?

The CHAIRMAN. If you were sitting as a judge, having the decisions as they are in my mind before you, and the testimony given by the plasterers here the other day, you would reach exactly the same conclusion, in my opinion, without the words, as you would with them, in enforcing this bill.

Mr. DAVENPORT. Of course, any compulsion, such as would be within the prohibition of "requiring," but I would like to qualify or explain a little my answer to Mr. Rainey. Of course, the same constitutional objections would still exist to requiring the insertion of this, but as to the policy of the thing, that would be quite another thing. But that brings to my mind what I intended to say and direct the attention of the committee to, the vast difference between this act and the act of 1902.

The CHAIRMAN. Just let me say one word further to get right on the words "or permit," to explain what made me think they had but little significance. It has never entered my mind, and I suppose

has never entered the mind of anybody else, that the words "or permit" mean that the man should be prevented by physical violence. It does not mean to imply that you have to stop the man, that you have to get a policeman to arrest him, I take it, to put him off the premises.

Mr. RAINEY. I do not think anybody understands it that way.

The CHAIRMAN. Those words "or permit" mean to give assent, as I understand them, and nothing more.

Mr. DAVENPORT. This all brings to my mind a point I wanted to direct the attention of the committee to especially, but which I had overlooked and omitted. In the act of 1892 there are these words, "who shall intentionally violate any provision of this act shall be deemed guilty of a misdemeanor." The word "intentionally" is intentionally omitted from this present proposed bill. Whether the party intentionally violates it or not, he is still subject to the penalties.

Mr. RAINEY. Do you think it makes any difference whether the word "intentionally" is in there or not? Of course if he does it accidentally, he is liable.

Mr. DAVENPORT. Oh, yes, if he does it accidentally or not.

The CHAIRMAN. It is a civil obligation.

Mr. DAVENPORT. Yes, it is a civil obligation. This word "intentionally" has a history in the law of 1892. In the days when that law was before Congress they had these same discussions over this matter which have taken place before this committee. Very many able Congressmen, especially those from the South, had very grave doubts about the constitutionality of that bill, and some gentlemen plucked up courage on the floor of the House to express their views upon the subject, although the proponents of the bill called attention to the fact that the labor unions of the country were demanding it, and that the consequences to them would be very serious, and especially as it is stated in one speech, to the Democratic party, if it did not enact it. The question was mooted, and objection was made as to the validity of such a law as this if the word "intentionally" was left out, and Mr. Tarsney, the advocate of the bill, the chairman of the committee, and others of the committee who were supporting the bill, said that there would not be any question that the law would be invalid if the word "intentionally" was left out, because a man could not be constitutionally convicted of a crime if he did not intend to commit it—that is, there was involved in this particular kind of a crime, at any rate, the element of intent to do the act which was prohibited. This law would never have been enacted had not the word "intentionally" been in there, because it was said, "How unjust it would be to punish a man or fine a man for doing these things without intent." This present proposed act says "require or permit" any such person. Just see what is in this bill! I bring this to the considerate attention of you fair-minded, conscientious men, that if this bill becomes a law, instead of having a fine of \$1,000 and imprisonment not more than six months, or both, the maximum under the existing law, the party may be penalized to the extent of tens of thousands, yes, hundreds of thousands of dollars by the act of a subcontractor over whom he has no control, forced into that position by the act of Congress compelling him to stipulate for these things. In other words, for letting a man work ten minutes overtime he is fined \$5.

There may be one hundred men, or a thousand men, who are at work, and he unintentionally, without any conscious act or any intent or any desire, and against every means which the contractor has taken to protect himself from it, may be mulcted in the sums of tens and hundreds of thousands of dollars. I say, the history of the discussions shows, the record of the discussions on the floor of the House of Representatives show, that if that word "intentionally" had not been in the act of 1892 that law would never have been enacted, and yet you are asked to pass a law here which will in effect be ten times as unjust, whereby the intent of the party, and, indeed, the efforts of the party, are defeated by somebody else. The contractor might protect himself in every way, he might desire in every way to live up to the terms of his contract, and he might have every assurance from his subcontractors that they would do it, and he might act in perfect good faith in the whole matter, and yet he can be fined, penalized unnumbered thousands of dollars. To my mind the proposition is so unjust that I can not believe that the House of Representatives at the present time would ever pass such a bill, when we know that the existing law never could have passed, as the debates show, without the word "intentionally" being in there. Gentlemen, I thank you.

(Thereupon, at 4.15 o'clock p. m., the committee adjourned until to-morrow, Thursday, March 12, 1908, at 10.30 o'clock a. m.)

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SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Thursday, March 12, 1908.*

The subcommittee met this day at 10.45 o'clock a. m., Hon. John J. Gardner (chairman) presiding.

The CHAIRMAN. You may proceed, Mr. Emery.

**STATEMENT OF MR. JAMES A. EMERY, OF NEW YORK, REPRESENTING VARIOUS ASSOCIATIONS IN OPPOSITION TO THE BILL.**

ASSOCIATIONS AUTHORIZING REPRESENTATION.

National Association of Manufacturers.  
Citizens' Industrial Association of America and affiliated associations.  
Merchant Tailors' National Protective Association of America.  
National Association of Builders Exchanges.  
National Association of Box Manufacturers, Chicago, Ill.  
National Association of Master Bakers, Chicago, Ill.  
National Confectioners' Association, St. Louis, Mo.  
National Association of Master Sheet Metal Workers.  
National Clay Machinery Association.  
National Erectors' Association, New York City.  
National Slack Cooperage Manufacturers' Association.  
Association of Master Plumbers, St. Louis, Mo.  
Baltimore Metal Trades Association, Baltimore, Md.  
Battle Creek Industrial Association, Battle Creek, Mich.  
Board of Trade of Camden, N. J.  
Metal Trades Association of Baltimore.  
Builders' Exchange of Baltimore, Md.  
Builders' Exchange of Cleveland, Ohio.  
Builders' Exchange of Pittston, Pa.  
Builders' Exchange of Worcester.

Business Men's Association, Ithaca, N. Y.  
 Business Men's Club of Frankfort, Ky.  
 Business Men's League, Rock Springs, Wyo.  
 Building Trade Employers' Association of New York City.  
 Boston Typothetae.  
 Chicago Brass Manufacturers' Association, Chicago, Ill.  
 Chicago Lighting Fixtures Association, Chicago, Ill.  
 Citizens' Association of Dallas.  
 Citizens' Alliance of Beloit, Wis.  
 Citizens' Alliance of Fremont, Ohio.  
 Citizens' Alliance of Grand Rapids, Mich.  
 Citizens' Alliance of Houston, Tex.  
 Citizens' Alliance of Peoria, Ill.  
 Citizens' Alliance of Portland, Oreg.  
 Citizens' Alliance of San Francisco, Cal.  
 Citizens' Industrial Association of Scranton.  
 Citizens' Industrial Association of St. Louis.  
 Citizens' Industrial Association of Toledo, Ohio.  
 Citizens' Industrial Association of Jersey City.  
 Cincinnati Boot and Shoe Manufacturers' Association.  
 Clarksville Tobacco Board of Trade, Clarksville, Tenn.  
 Commercial Club of Spokane, Wash.  
 Columbus Industrial Alliance.  
 Contracting Bricklayers' Association, Cincinnati, Ohio.  
 Electrical Contractors' Association of Texas.  
 Employers' Association of Buffalo, N. Y.  
 Employers' Association of Chicago, Ill.  
 Employers' Association of Cleveland, Ohio.  
 Employers' Association of Dayton.  
 Employers' Association of Detroit, Mich.  
 Employers' Association of Columbus, Ind.  
 Employers' Association of Indianapolis, Ind.  
 Employers' Association of Kansas City, Mo.  
 Employers' Association of Marion, Ohio.  
 Employers' Association of Massachusetts.  
 Employers' Association of Quincy, Ill.  
 Employers' Association of Springfield, Mass.  
 Employers' Association of Minnesota.  
 Employers' Association of Vermont.  
 Employers' Association of Building Trades of the District of Columbia,  
 Washington, D. C.  
 Employers' League of Auburn, N. Y.  
 Erie Business Men's Exchange, Erie, Pa.  
 Fort Dodge Commercial Club, Fort Dodge, Iowa.  
 Founders and Employers' Association, Los Angeles, Cal.  
 Fox River Valley Manufacturers' Association, Aurora, Ill.  
 Georgia Industrial Association, Toccoa, Ga.  
 Houston Manufacturers' Association, Houston, Tex.  
 Illinois Lumber Dealers' Association.  
 Indiana Retail Lumber Dealers' Association.  
 Interstate Association, Maryland and District of Columbia.  
 Interstate Association, New York and Connecticut.  
 International Association of Master House Painters and Decorators of  
 United States and Canada.  
 Kansas State Retail Merchants' Association, Leavenworth, Kans.  
 Lynn Shoe Manufacturers' Association (Incorporated), Lynn, Mass.  
 Manufacturers' Association of the City of Bridgeport, Conn.  
 Manufacturers' Association of New York.  
 Manufacturers' Association of the Northwest, Portland, Oreg.  
 Manufacturers' Club, Cincinnati, Ohio.  
 Manufacturers and Shippers' Association, Rockford, Ill.  
 Manufacturers' Bureau of Indiana.  
 Manufacturers' Association of Chattanooga, Tenn.  
 Manufacturers and Merchants' Association, 1112 Grand avenue, Kansas  
 City, Mo.  
 Manufacturers' Association of Evansville, Ind.  
 Manufacturers and Producers' Association, Knoxville, Tenn.



Massachusetts Association of Heating and Ventilating Engineers and Contractors, 518 Barristers Hall, Boston, Mass.

Master Builders' Association of Pittsburg, Pa.

Master Builders' Association of Boston, Mass.

Master Painters and Decorators' Association, Utica, N. Y.

Memphis Industrial League, 11 Cotton Exchange Building, Memphis, Tenn.

Merchants' Association of Catskill, N. Y.

Merchant Tailors' National Protective Association, St. Louis, Mo.

Merchant Tailors' Protective Association, Binghamton, N. Y.

Merchants and Manufacturers' Association of Los Angeles, Cal.

Metal Manufacturers' Association of Philadelphia, Pa.

Missouri Manufacturers' Association.

Ohio State Association of Builders Exchanges.

New York Team Owners' Association.

New York State Association of Master Bakers.

Merchant Tailors' National Exchange.

Palo Alto Citizens' Alliance, Palo Alto, Cal.

Printers' Board of Trade of New England.

St. Louis Furniture Board of Trade, St. Louis, Mo.

Shipowners' Association of the Pacific Coast.

Retail Lumber Dealers' Association of Indiana, Indianapolis, Ind.

Springfield Branch National Metal Trades Association, Springfield, Mass.

Syracuse Metal Trades Association, Syracuse, N. Y.

Master Painters' Association of Denver, Colo.

The Wholesale Grocers' Association of the District of Columbia, Washington, D. C.

Wichita Commercial Club, Wichita, Kans.

Wisconsin Retail Lumber Dealers' Association.

Western Painters' Association.

Mr. EMERY. Mr. Chairman and gentleman of the committee, as I said yesterday, I should have preferred to discuss the policy and practical effect of this bill after having had an opportunity to submit to the committee further special evidence that I believe would be of great value in forming an estimate of its practical effect. But, Mr. Chairman, we have presented to the committee in the course of these hearings a vast amount of what we believe to be, and what the committee has expressed itself as realizing to be, new evidence bearing on the probable effect of this bill, not only on those industries acknowledged to be affected by this legislation, but on many more in all likelihood within reach of its terms, by reasonable construction of their meaning.

You have had an opportunity to form your own opinions from the personal observation of our witnesses, from the extent and nature of their experience, their commercial, industrial, and professional standing—to form your own judgment of the competency, integrity, and authority of their testimony, and of the spirit that animates them. And I must say, Mr. Chairman, that in the discussion of a matter that reaches so far in establishing a novel policy in Government regulation, I must deprecate the spirit of arrogant and arbitrary criticism manifested by the unionist proponents of this bill in deriding, denying, and resenting the right of representatives of great industrial establishments and organizations other than their own to possess or express an opinion concerning the views and sentiments of their employers or members regarding a bill of this character.

In the very beginning, Mr. Chairman, it is only right that we should remember that in the consideration of a measure of this kind you can not divorce the real interest of the employee from the employer, the wage payer from the wage receiver, the capitalist from the laborer, because in the actual operation of industry they are

complementary and reciprocal and interdependent. They are, indeed, like the two blades of the scissors, often moving perhaps in opposite directions, yet each endeavoring to accomplish a common purpose. Would to heaven that they could agree in severing all destroying and discord-making elements that seek to come between them!

In the operation of all industry there is a partnership on the part of the operator and the director or supervisor. It is as obvious as any other fact in human life, and in considering the effect upon practical industry of a bill of this character you will surely consider and weigh well the experience and opinions of those who may properly be thought to have special and peculiar facilities for judging its probable consequences.

It has been said with respect to the policy of this bill that its proponents admit two primary objects, that it would wisely limit the hours of labor upon the subject-matter of Government contracts, within the purview of this bill, to eight hours, thus assuring to the workingman additional leisure for the improvement of his mind, or for rest, or for any other purpose for which he chooses to use it; and, secondly, that it means a larger opportunity for the unemployed. The chairman of the committee in the course of the discussion some two days ago interjected what we considered to be a new expression of the purpose of this bill by saying that these alone were not the reason for the bill, nor even the attempt to force an eight-hour work day in private employment through the instrumentality of Government contract, but he believed that in addition to these things that it would have a tendency to cause the Government, in view of such testimony as has been offered here, to enter the field of public manufacturing to meet its own needs.

The CHAIRMAN. Quote me aright, please. I did not mean that. I did not say what the objects of the bill were. I simply said it had been my conviction—that was personal—for a number of years past that the effect of the bill would be not so much the accomplishing of the eight-hour day as to make the Government its own manufacturer. That does not bear out the meaning to be extracted from your statement, I think.

Mr. EMERY. I thought, Mr. Chairman, I was substantially expressing your thought. I gathered from your remark the other day, and from your reply to an inquiry of Judge Payson, that it was your view from the testimony offered—a private opinion or an individual opinion, if you please—that it would have the effect of forcing the Government to become a manufacturer.

Mr. DAVENPORT. The chairman distinguishes between the effect and the purpose.

Mr. EMERY. I accept very gladly indeed the chairman's correction of my expression of his opinion, and I comment on it only because it illustrates another of the probable effects not only of this particular legislation, but of similar legislation that is likely to be the result of its precedent.

Now, sir, to revert to the primary argument for this measure which I was examining. The enforcement of a rigid eight-hour day on the subject-matter of public contracts and its extension through such example and pressure must have one of two consequences. Either the amount of production in the eight-hour day will be equal to that of the present nine or ten hour day, or it will not. If it be

equal, then the benevolent purpose which the proponents of this measure desire to accomplish would not be accomplished, and no aid given to the unemployed, for there would be no additional demand for labor and no increase of opportunity for employment, the amount of labor required to carry on the existing operations of industry remaining precisely the same. If, on the other hand, as the uncontradicted testimony before this committee demonstrates, the amount of production in the eight-hour day would be proportionately diminished in comparison with that of the nine-hour or ten-hour day, there must be a decrease in wages to meet the increased labor cost of production, or prices must rise if wages remain stationary with shortened hours, or, finally, there is a migration of capital into unaffected lines of industry. For, though it be in the power of Congress to regulate hours and wages, it is not possible for any legislative body to compel capital to maintain unprofitable enterprises, or compel consumers to increase their purchases at higher prices.

The immediate natural effect of any increase of the cost of a given commodity is to decrease its consumption, and a decrease of consumption, other things equal, means a lessening of the profits of investment. These are natural laws of trade, Mr. Chairman. They can no more be repealed than the law of gravitation, or the moral precepts of the Almighty.

Now, as to the immediate and practical effect of this bill, Mr. Chairman, I submit that it will produce a condition which this committee neither desires nor contemplates. In the discussions before this committee it has been frequently urged that this bill applied to fewer industries and a lesser number of articles and supplies which are the subject of Government contract than any preceding bill, and that the number of such articles had been carefully limited to meet the objections of particular industries to which its application was acknowledged to be impracticable. But, Mr. Chairman, if the testimony submitted by Judge Payson here the other day, in regard to the intricate and exacting specifications of numerous standard army and navy needs, may be accepted as proving such articles not excepted from this bill, or if they leave the Government contractor in doubt as to whether this bill applies to him, what is its practical operation? The contractor must do one of three things. He must either refrain from bidding for Government work at all or he must take a risk by undertaking to manufacture these articles in a contract with the Government that does not contain these impracticable and difficult stipulations, assuming the risk of making a bad contract; or else he must embody these stipulations in all doubtful contracts as a safeguard and undertake on behalf of himself and his subcontractors to comply with them, believing, when he does so, that he attempts a most difficult thing, and very naturally, as a business proposition, making his bid to the Government in accordance with the risk and the difficulties incurred in the execution of such a contract. He must take his choice, if he will contract at all, between accepting stipulations which provide impracticable or difficult conditions or, omitting them, to gamble in litigation, knowing his contract is invalid if the statute be upheld and its required stipulations be absent from his agreement. Therefore, this bill, if it became a law, would, from the moment it went into operation, apply practically, not merely to those few classes of articles which no one denies it includes, but likewise

to that vast series of commodities which it would be a serious business risk not to assume to be within its terms until a court of last resort had determined otherwise. Thus the very thing this committee sedulously seeks to avoid would become an accomplished fact.

Now, Mr. Chairman, let me revert to a matter which I desired to earlier notice. Mr. Gompers directed the attention of this committee to the fact that no wage-earner had appeared before it in protest against the bill, seeking to convey the impression that all wage-earners favor legislation of this character, and that Mr. Gompers, as the representative of organized labor, voices not only the opinions of his own followers, but the opinions of labor as a whole, the wish of unorganized as well as organized labor. Now, Mr. Chairman, the American Federation of Labor has been in existence for a long time. It has carried on missionary work in every part of the United States. It has endeavored to obtain members not only in every State, but in every county and every city in the Union. Is it fair to presume that men, who in the face of this energetic propaganda do not join it ranks, do not accept its leadership, and do not make it the medium through which they express their opinions on economic subjects, but who distinctly refrain from doing so, are represented by that which they obviously reject, and whose theory of regulation they refute by their daily activities? Can a great body of wage-earners be justly said to want a rigid workday, when they constantly seek and demand an elastic one?

If Mr. Gompers believes, or if he desires this committee to believe, that he represents the desires and wishes not only of organized, but also of unorganized labor, with regard to this bill, the burden of proof is upon him, not upon us. Can he produce before this committee one single representative of the wishes of the unorganized wage-earners who will testify individually or as the representative of any committee or gathering or assembly or association outside of Mr. Gompers's organization that it is his belief, from experience in the factory in which he works or the industries with which he is familiar, that Mr. Gompers expresses the wishes of his fellows when he pleads with you to enact legislation providing a rigid eight-hour day?

Mr. Gompers also made the remark the other day—and I thought it as bold as it was absurd—that he represented not only the wage-earners, but a great body of manufacturers who, he said, desired to introduce an eight-hour day, but were prevented by the prevailing hours of competitive industries. Has Mr. Gompers been able to produce before this committee one single manufacturer, in the course of these years of hearings, who favored a rigid eight-hour day? Is there anything in the record of all the testimony taken here of any such opinion? I challenge him to produce one single experienced manufacturer who will express that opinion.

Now, in appearing before this committee I have represented not only the National Association of Manufacturers, which is the largest trade organization in the world, but the Citizens' Industrial Association of America, which comprises among its thousands of members many workingmen—an association in which employer and employee meet on common ground; and if any member of this committee or if all its members could visit one of the monthly meetings

the Citizens' Industrial Association at St. Louis, our largest affiliate body, they would see one of the greatest and most interesting gatherings in the United States listening to the discussion of every phase of the industrial problem. I had the honor of addressing that organization last January, and 4,000 people filled its vast auditorium, while several hundred were denied admittance. On account of my association and familiarity with this organization I think I can say, Mr. Chairman, that in these associations is voiced the expression of many independent workingmen in all parts of the United States.

Indeed, Mr. Chairman, it seems a very remarkable proposition that the one thing which all men have in common, be they rich or poor, high or low, employer or employee, capitalist or laborer—the one thing they all possess equally, time, should be arbitrarily taken from them by legal enactment. What capital does a working man possess except his time? What has he to sell but his time and the technical skill, the physical strength, the knowledge and experience which make its expenditure valuable? And yet you propose here to enact a measure that sets up a precedent, to take from the working people of the United States by legal enactment the most valuable possession they have, and give them in return for it, what? The satisfaction of compulsory leisure at the cost of depleted capital. Who is the best judge, sir, of the value of his time? Who should be left the master of its expenditure except him to whom it is committed, the most valuable, inalienable, and original of human possessions?

Again, Mr. Chairman, as a practical matter, why should Congress, representing the Government of the United States, take one or two or three or four industries and single them out for economic experiment? Why should it choose, in the face of such evidence as has been offered here, to disrupt the prosperous conditions existing in some of the greatest industries of this country in order to gratify the desire of those who believe that wise expediency in economic legislation is represented by an attempt to fix a rigid eight-hour day? Testimony was offered here the other day by Captain Randle, representing the New York Shipbuilding Company, to the effect that within the brief span of his own life he had seen the American flag taken from 92 per cent of the shipping of the world and flying today on but 8 per cent. Yet it is admitted that the full force and weight of this bill falls upon an industry that is now struggling for life itself—the shipbuilder.

A number of the most remarkable practical examples of the very damaging effects of this legislation were produced before this committee. We had the good fortune to present to you the president of the Union Iron Works, of San Francisco, a plant representing the one single place, with the exception of the Bremerton Navy-Yard, where the great ships now making their way around the western side of the continent can be docked; the one place that is equal to the task of caring for that great fleet, the most powerful fighting aggregation the world has ever looked on. Who knows in what hour the Government may need that yard? In the expanding western policies of our people, in the protection of its new possessions, in the assumed guardianship of the western sea, is it wise, is it politic, to embarrass and discourage instead of encouraging and favoring the shipbuild-

ing industries of the country in an hour when the Government may most supremely need them?

Indeed, Mr. Chairman, I must confess that a great part of the people I represent find great difficulty in understanding why it should be the policy of the Government to discourage any kind of manufacture, especially when we recall that one hundred years ago our people, then freed from the political control of Great Britain, fought a second and perhaps greater contest to free themselves from her commercial bondage. In what Mr. Fiske has called "the critical period" of American history, not only were the political circumstances of the nascent state most discouraging, but their industrial limitations were even more alarming and threatened to leave the colonies commercial tributaries of the British merchant. American manufactures, discouraged and practically proscribed during the colonial period by the narrow and selfish imperial administration, were scarcely worthy of notice. But their immediate encouragement was deemed essential to the preservation of political freedom itself. The States of New Jersey, New York, and Pennsylvania made the most remarkable and interesting attempt by State subsidies, by encouraging the immigration and reward of skilled workmen to develop a system of national manufactures. Civic organizations of all kinds were formed in the cities of Philadelphia, New York, and the other larger centers of the North and South for the express purpose of trying to establish domestic industries. The success of this effort was a marvelous triumph of skill, energy, and determination. To this hour the alleged policy of this Government, the battle cry of its dominant party, has been protection and encouragement to American manufactures; and yet in the very moment when, after a hundred years, we rejoice in the manufacturing supremacy of the world, legislation is proposed, not merely to embarrass, perhaps only temporarily, if you like, several noted departments of mechanical production, but by the precedent of policy established to menace the future independence of all industry by opening a highway to all forms of Government interference with private business. For, sir, I believe it can be said with certainty that wherever the power to regulate hours exists the power to regulate wages may be expected to be sooner or later asserted, except only those occasional cases where the regulation of hours is predicated on the protection of health or the securing of public safety.

I called your attention the other day to what I believe is a series of the most interesting and instructive experiences the history of our ancestral nations afford us, suggesting that the arbitrary interference of Government in the regulation of hours and wages is not only traditionally against the policy, against the spirit, and against the purposes of American institutions, but that even under autocratic Governments it has caused the greatest annoyance, dissatisfaction, and distress. Nor does any subject obtain more extended consideration or become the subject of more frequent admonitions from the fathers of the Republic than that of undue governmental interference with private affairs. Among recent writers you find Woodrow Wilson, in his splendid work on the State, in discussing the expediency of governmental interference with individual liberty, laying down what he regards as the right rule, derived from the experience of this country and other nations, and asserting that its limit should be the "necessary cooperation" of the State with the individual, helping the indi-

vidual only where he can not help himself. You will find Herbert Spencer, in his *Social Statics*, declaring the limit "where protection is afforded by the State which the individual can not procure for himself." And, sir, you will find scattered through history the most remarkable and astonishing examples of the lengths to which State control can go in interference with the labor contract, with the personal liberty of the individual, the moment the State oversteps the bounds of public protection or necessary social cooperation and enters the realm of the private relations. For eight hundred years of government you will find it to be a fact that agricultural and industrial labor struggled against the policy of State regulation. From the time of the formation of the old guilds in every historical assembly of workmen in councils and meetings, particularly in Germany, France, Flanders, and England, and especially in the discontents and disorders of French peasant life immediately preceding the French Revolution, there is continual reference to protest and resentment at the attempts of the State to arbitrarily control and regulate the labor contract.

The whole period to which I refer is marked by the most determined and persistent interference by the State with private industrial relations in assertion of the root principle of this very bill. The statute of laborers, as you know, fixed the wages of labor in a time of great public calamity, when a great plague had decimated the ranks of labor. It arbitrarily fixed the wages under which labor should work, and arbitrarily declared how long it must work. And yet it was almost impossible, even under the conditions of feudal despotism, to enforce such a measure. Although Parliament amended and strengthened it by a series of subsequent enactments, yet so determined was the State to maintain its trespass on individual liberty that the statute of laborers actually remained upon the English statute books until the twenty-third year of Victoria's reign. Indeed, the whole course of human experience suggest that once asserting the principle of arbitrary State control of the labor relation, apart from its effect upon the character of the citizen, there is no limit to which such legislation may not go. Patrick Henry remarked that there was no way to judge the future except by the past, and if you once claim the right of arbitrarily regulating the hours of labor, how soon may you not be called upon to regulate wages?

Why, gentlemen, it is a fact that should be well known to you that many of the States now fix both hours and wages upon their public works, but continual attempts are being made to get the State legislatures to assume absolute control of the private contractor, even to fixing the conditions under which labor shall be performed, and the particular kind of labor which shall perform it.

I received only day before yesterday a copy of the bill now before the State legislature of Massachusetts, and, I believe, favorably reported by one of its committees, requiring that on all public work in the State of Massachusetts union labor at union wages shall be exclusively employed. The State of New York, whose highest courts not long since condemned and invalidated such legislation, now seeks not merely to fix hours and wages on its public works, but the rate of payment in the production of every material and article that goes into them. In a statute now before the courts of New York for consideration it is required that the rate of wages paid in producing any

article or material to be part of or placed in a public structure or given a public use shall be the rate of wages prevailing in the particular city or town where the public work is to be erected, or where the article contracted for is to be placed or used. That is to say, if a window sash or a door is made in Elmira, or Syracuse, or Buffalo, to be placed in a public building in the city of New York, the wages paid to the carpenter or joiner or mill hand in Elmira, or Syracuse, or Buffalo must be the same rate of wages that would be paid to the mill hand or carpenter or joiner in the city of New York. Thus, gentlemen, you see that when the thing once starts it can no more be stopped than the motion of a snowball that, rolling down the hill-side, gathers strength and weight and power as it moves.

What excesses have been committed in the name of that principle throughout the past! Henry VII declared the fairs at which particular goods could be sold. Henry VIII, regulating the conditions of labor, even in the midst of his matrimonial difficulties, specified particular shape that a pin should have before it could be exposed for sale. Shakespeare puts into the mouth of a character in "Henry VI" this very theory applied to the hour, "There shall be in England seven half-penny loaves sold for a penny; the three-hooped pot shall have ten hoops; and I will make it a felony to drink small beer."

Mr. DAVENPORT. That was Jack Cade, was it not?

Mr. EMERY. That is "Henry VI." It no doubt reflects the monarch's conception of a proper paternal regulation of the domestic affairs of his people.

Louis Blanc, the great minister of France, declared that "government should regulate and control the conditions of production," the very theory of this bill. And if history repeats itself, the recurring cycle brings the thought again in the proposed legislation that is offered not only here, but in various States of the Union.

Charles the Second regulated the tailoring, not only of his court, but of his people. James the Fourth of Scotland decreed the very ceremonies of the corpse. Government regulation once established in wise reform of private matters would soon touch private deportment, a vast field with which to bestir itself, with abundant precedent. It can, like the ancient Norman law, fix the time at which fires shall be put out at night, and at which people shall close their blinds and seek their beds. It can, like the Danish king, prescribe the manner in which floors shall be scrubbed and furniture polished. It can, as did Flanders, protect stomach and purse by limiting expenditures for the private table. It can do even as Monsieur Beausobre declared to the French Parliament that he believed the government should do—take cognizance of the fact that as fruit was ripening, it was wise by legislation to protect the people against the danger of eating green fruits.

At the very time of the French Revolution, and even afterwards, the French Government pilloried the manufacturer for defects in his material; for making articles of mohair that under the decrees of law should be of worsted; fixing the location of all private business; regulating for the citizen his hours, wages, and all conditions of his employment.

You can find even to-day upon the German statute books the requirement that the shoemaker shall not follow his trade until he has been examined as to his proficiency and secured a license from the



village court; that a man, having taken up one calling, may not follow another; and to this hour in France a mine may not be opened without permission of the government, nor a bucket of water drawn from the sea.

No wonder that Guizot exclaimed, apropos of the events that culminated in the overthrow of Louis Phillippe, "there is no grosser delusion than the belief in the sovereign power of political machinery." Spencer thought the remark wonderfully pat as he recalled the France that prompted it, and to which in part it still applies—a France of thousands of inspectors and prefects and subprefects, supervising, meddling with, controlling the private acts of people, their hours, occupation, and conditions of employment, regulating not only railroads and canals and the multifarious intercourse between citizens and the departments of the state, but a France which supervised the breeding of horses and sheep and regulated everything, from the construction of public works of France to the sanitary supervision of prostitutes. It directs art, subsidizes science, supervises amusements, and censors literature, and monopolizes the conferring of honors and decorations. No wonder, in view of all these things, the people began to believe that legislation supplied the means of meeting all the difficulties, dissatisfactions, and inequalities of life; but when they compared the accomplishments of government with their aroused expectation, disorder followed discontent, and revolution burst angrily from bitter disappointment.

In our own country, Mr. Chairman, we have not, even in its brief life, been without experience of this distemper, nor without intimate evidence, at least in our colonial life, of the trial and rejection of such doctrines and practices. In the year 1777 the Continental Congress passed a resolution calling upon the various colonies to regulate the hours of labor and the rate of wages, and even the price of merchandise, in the fear that exorbitant charges would become general because of the rapid depreciation of the Continental currency. New Hampshire, Connecticut, Rhode Island, and Massachusetts met through representatives in conference and recommended the passage of regulative legislation of that character suggested. Indeed, we find that Massachusetts and Rhode Island both fixed the wages of mechanics and farm laborers, the latter being required to work for three shillings per day and found. The law was repealed, however, within a year, as Governor Cook, of Rhode Island, stated, because of "its obvious impracticability of execution." New Hampshire, Connecticut, and Massachusetts took similar action with similar results; so that the experience of the colonies in the years immediately preceding the creation of the Republic gives early rejection to the policy of attempting to arbitrarily regulate hours and wages.

But furthermore, Mr. Chairman, suppose that all the countries of Europe did so, which they do not. They are not our political models. Although I submit that if despotic governments, if autocracies, kingdoms, and empires, with their absolute rule, fear to take upon themselves this task, even as England, with an omnipotent Parliament, refuses to absolutely regulate the hours of labor or wages, it ill becomes a democracy to attempt so gross a trespass upon the individual rights of its citizens.

A hundred years of our mechanical development surpass in practical results all the industrial history of which mankind has record.

Surely if a single great contributing cause may be invidiously separated from the many that have produced this result, it has been pointed out time after time by the Fourth of July orator, by the Washington's Birthday philosopher, by the commentator upon the moral stimulation of national ideals, beliefs, and principles, that the great propelling force behind the average American was the guarantee of unrestricted opportunity, of the widest and broadest personal liberty, bounded only by the rights of others; these quickening assurances energizing every department of industry have impelled the development of the marvelous resources of this country more than any other moral factor. The very forces of nature that aroused the superstitious fears of our ancestors have become the handmaids of our prosperity and the messengers of our service.

In this hour, when the American manufacturer struggles for the industrial mastery of the world, when competition is keenest, not merely here, but in the markets of mankind, we can not recall too often that we have builded our industrial life and can sustain it only by insuring freedom from arbitrary industrial restriction that encourage the march of science and the improvement of transportation and intercourse. It is less difficult to-day for you in Washington to do business in England, Brazil, or France than it was for our grandfathers to maintain intercourse between Washington and Philadelphia or New York. We have made ferries of the oceans; we have almost bridged the seas, as we have leveled the mountains and brought within hand reach the extremes of the continent; so that to-day the nations of the world, shoulder to shoulder, hustle each other for the trade of the world. Is this an hour, or these the circumstances, I say, when you should seek not only to hamper, embarrass, and handicap particular industries by invidious legislation, but to place upon the statute books that which will be a precedent for every kind of arbitrary regulative legislation, to be modified by the prejudice of the time or the economic theories of the dominant party, colored by the clamors of the hour?

No nation has so much to fear in creating legislative precedents of action as a republic. Let the American people once realize that a new idea dominates American life, and that instead of the people supporting the Government, the Government is to support the people, and you will have injected into our national character a note of dependence that has never appeared in the course of our history. Ours are a people who by the very circumstances under which they came into being are self-reliant, independent, and individually vigorous. The very growth of great combinations has only made the individual more important, because the greatest organization that exists in our nation to-day, no matter how gigantic its dimensions, no matter how powerful its influences, no matter how many thousands of hands obey its direction, is absolutely dependent for its success upon individual leadership. And indeed the obligations of leadership are only greater and more extensive than they were, and the power of the individual, instead of being impaired, has been multiplied.

So, Mr. Chairman, I can not but feel that in the consideration of legislation of this kind the committee should not merely have in mind this particular bill, but it should contemplate it as the establishment of a policy that may breed every form and encourage every character of regulative demand. Suppose this is passed? How much em-

barrassment, how much difficulty, how much anxiety will it cause in many departments of industry before a judicial interpretation can be had, and a final conclusion formed as to its meaning and validity? And yet, sir, remember that in the partnership of American industry every workman and every employer is dependent upon their joint product. Whether operative or director, he gains his living from its profits. Its prosperity is his prosperity. Its success is his success. The extent of its injury is the measure of his damage and suffering.

So, sir, the defense of the industrial supremacy of the United States, the opposition to arbitrary regulation, direct and indirect, of private contracts, and to the threatened impairment of the individual rights of workmen or of the individual rights of the employer are equally the interest, are equally the proper subjects of protest from both employer and employee.

The question of mere expediency necessarily arouses a variety of opinions, because, as Herbert Spencer once remarked, "Expediency is so vague a term that it practically means only what I think ought to be done, as against what you think ought to be done." But when you find a thing suggested as expedient which, in the precedent it creates, in the policy it establishes, encourages and approves interminable Government meddling, perpetuating trespass upon the most sacred and intimate rights of the individual, affecting not merely his property, but those moral powers that are of the very marrow of his being, upon the exercise of which he depends not only for his happiness, but for his existence and the being, comfort, and happiness of those dependent upon him, is it wise, is it reasonable, is it statesmanlike to make such a thing the law of the land? Are such dubious experiments in statecraft to be here offered for the imitation of the various States? Will you here lightly declare for the enactment of this measure of most doubtful constitutionality, its only certain features the restriction of labor's earnings and capital's investment, the discouragement of industry and the embarrassment of all the business of the Government?

The CHAIRMAN. Is there anybody else here to go on this morning?

Mr. EMERY. I could very readily have used this time, Mr. Chairman, and would have been very willing to had I known it to be available.

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SUBCOMMITTEE ON LABOR No. 1,  
HOUSE OF REPRESENTATIVES,  
*Monday, March 16, 1908.*

The committee met at 10.30 o'clock a. m., Hon. John J. Gardner (chairman) presiding.

**STATEMENT OF MR. EDWIN K. HALL, SECRETARY OF THE EMPLOYERS' ASSOCIATION OF THE BUILDING TRADES, DISTRICT OF COLUMBIA.**

Mr. EMERY. Mr. Hall, will you kindly state your name and occupation?

Mr. HALL. E. K. Hall; secretary of the Employers' Association of Washington, D. C., and secretary of the Interstate Association which takes in both Washington and Baltimore. I do not know that I

should say that I am secretary also of the Interstate Association, but I am connected with it here.

Mr. EMERY. You represent the Interstate Association here?

Mr. HALL. Yes, sir; I am secretary of the local association here.

Mr. EMERY. What is the membership of the Interstate Association, Mr. Hall?

Mr. HALL. About 415 or 420.

Mr. EMERY. And what is their line of business?

Mr. HALL. They are builders and material men, finishers of material for buildings, and so forth.

Mr. EMERY. How many members have you in the District of Columbia?

Mr. HALL. The Employers' Association comprises 201 members.

Mr. EMERY. Are your members large employers of labor?

Mr. HALL. They are.

Mr. EMERY. Do they do a large or small amount of work for the Government?

Mr. HALL. Our association takes in practically all of the contractors, the contracting builders, and subcontractors, that contract for Government work in the District of Columbia. There might be one or two exceptions, possibly.

Mr. EMERY. You then represent substantially all the contractors for municipal and Government work in the District of Columbia?

Mr. HALL. Yes, sir.

Mr. EMERY. And your membership consequently would be very much affected by the enactment of House bill 15651?

Mr. HALL. It would.

Mr. EMERY. Will you make a statement to the committee as to the views of your membership with respect to this bill?

Mr. HALL. This statement that I would make is drawn from individual talks. As secretary of the association I have had very many of our members inquire of me the meaning of this bill, and what it was, etc., and after it has been explained and they have read it, they have, without any exception that I can bring to my mind now, felt and made the statement that they felt as if they could not afford to consider Government contracts if such a law went into effect. The reasons for that of course would vary.

Mr. EMERY. Are your members perfectly clear as to how far this bill goes in its application to them?

Mr. HALL. I think they are. I have studied the matter somewhat myself, and have understood it, I think, quite well, and explained it to them, and, of course, it has been of interest to them and they have had to study it, because being contractors for the Government it would touch them in their work; and there has been a great deal of interest displayed by the members of the association along that line, subcontractors and general contractors and supply men.

Mr. EMERY. Are your members as contractors also seriously affected by its provisions respecting subcontracts?

Mr. HALL. They certainly would be, for this reason: As you well know, there is but very little manufactured stuff in the District of Columbia, and the general contractors go outside of the District of Columbia for many subcontracts, for material, or anything of that sort, anything that is made special. There is but very little

manufacturing done, of course, in the District of Columbia. That especially would affect them.

The CHAIRMAN. How would that affect it, whether it was manufactured in the District of Columbia or outside?

Mr. EMERY. What he is referring to is that as subcontractors they contract for many things that they install in the fulfillment of the Government contracts.

The CHAIRMAN. How would that affect it whether it was manufactured in the District or outside?

Mr. EMERY. Of course as contractors for the District of Columbia, in which a large part of their work comes, they are directly affected in a large portion of their contracts in the District.

Mr. EMERY. Can you state to the committee approximately the number of men employed by your members in the District?

Mr. HALL. Of course some of our contractors employ as high as 400 or 500 men. Others perhaps employ only 15 or 20.

Mr. EMERY. Would it be correct to say that they represent in the building trades the largest employment in the District?

Mr. HALL. Yes, indeed.

Mr. EMERY. In passing I wanted to ask, Mr. Hall, if you come in personal contact yourself, as secretary of this association, with a large amount of labor individually?

Mr. HALL. Yes, sir; I do. We have an employment bureau connected with the association, and practically I furnish the mechanics for our contractors and subcontractors.

Mr. EMERY. And practically all the labor employed by your members is employed through you?

Mr. HALL. Yes, sir.

Mr. EMERY. So that you come in personal contact with the labor itself?

Mr. HALL. I do.

Mr. EMERY. In the course of a year, then, you come in contact with a good many thousands of men individually, do you?

Mr. HALL. A good many thousands; yes, sir.

Mr. EMERY. With respect to their affiliation with organized labor, do they represent both union and nonunion men, or one class exclusively?

Mr. HALL. Certainly, our employers' association has subcontractors and contractors employing both union and nonunion men, as the case may be, and what I am speaking of applies only to labor in general, or to mechanics.

Mr. EMERY. Can you state to the committee from your personal contact with both union and nonunion laborers in the large numbers to which you have referred, whether you find a desire on the part of the men to secure opportunities to take overtime work?

Mr. HALL. I most certainly do.

Mr. EMERY. Is that marked?

Mr. HALL. It is marked, very marked.

Mr. EMERY. Can you give the committee some reason for making such a statement?

Mr. HALL. I can give a concrete illustration that perhaps would be more to the point than merely a say so. Last summer a certain contractor in this city, a large contractor, was under penalty to finish a building, the Academy of Music, at a given time, and it was

necessary for him to have a lot of extra work. He was working ten, twelve, or fourteen hours week day work, and Sundays. In my capacity as secretary of the employment bureau I would give those mechanics cards to go on certain work, and they would go where there was no extra or over time and work there for their eight hours, and then flock to get this extra time over at the other building. More than that, it was very difficult for me on my part to keep the men, in many instances. Now, I remember particularly when we were plastering there, when that plastering work was being done, I would send plasterers to that work that was being accomplished within eight hours—that is, in that particular time—and of their own accord they would go over and seek work on this other building, so that we brought the matter up in our association, because it was drawing laborers—that is, mechanics—away from other members of the association, and they could not get the mechanics they wanted on their work because they were so anxious for the overtime. That was on the Academy of Music. One hundred and twenty men were employed on that particular building. A man there would go and work extra hours in the week, and work Sundays; men would go from the other jobs and work there three or four hours overtime.

Mr. EMERY. Did you refer to the plasterers as being especially anxious for the overtime?

Mr. HALL. I spoke of that because at that time there was considerable plastering work going on in the city, and in many instances it was difficult to get them. Of course it was just that time of the year when we were particularly anxious to get plastering work done for the fall and winter, before the winter weather would come on, and when every contractor who was far enough along with his work of course was anxious to get his plastering done; and these men would not only ask, but sometimes beseech me, to put them on the Academy of Music work to get the extra time. I finally had to make an arrangement, after the contractors had complained to me about the scarcity, almost, in the work, to give cards, and have nobody go on the Academy work unless he had a card from me saying that he was not employed or had gone directly on that work. I made a particular system for that work.

Mr. EMERY. Do you know whether these plasterers were union men?

Mr. HALL. They were; not only from the District but from outside of the District.

Mr. EMERY. Did this apply to both union and nonunion men?

Mr. HALL. I know no difference in regard to that.

Mr. EMERY. Can you say that union plasterers in this case sought the work, and it was not necessary to secure on the part of the employer permission from the union for them to work?

Mr. HALL. I did not catch that question. Will you please repeat it?

Mr. EMERY. You testified that there was an equal desire on the part of union and nonunion plasterers to go on this extra work. I wanted to understand whether or not you knew that the individual union men sought this work, or whether or not it was necessary for the employer desiring to employ them on overtime work to secure permission from the union so to do?

Mr. HALL. It was the individuals.

Mr. EMERY. I asked that question particularly, Mr. Chairman, in view of the testimony given the other day that the men were not permitted to work overtime.

Do you find, Mr. Hall, that this desire to secure overtime opportunity is constant?

Mr. HALL. Yes, sir; I think the feeling of the men is this: That while they are in favor of an eight-hour law as such; that is, that eight hours shall be the regular day's work——

Mr. EMERY. The standard for the day's work?

Mr. HALL (continuing). The standard, perhaps, if that is the term you use, in every instance every man feels that he would like to have the opportunity, as much as a man in any other business would have, of increasing his income by working overtime when he can. I do not know of an exception to that, with hundreds of men I have talked with on the subject. They will express that themselves, many times. Men are interested in this overtime. It would perhaps surprise the committee to know the number of individuals who have talked about this bill to me.

Mr. EMERY. That is, the workingmen?

Mr. HALL. Yes, mechanics. A man illustrated it to me in this way. He said: "Would it be right for a lawyer or any other man to have a law passed that he could not work in his office more than eight hours, and that he must then stop his income at a certain point?"

The CHAIRMAN. There has been no testimony and there have been no statements which I have heard on the matter as to whether or not men do at any time work on two jobs, that is, work the regular hours on one and other hours on another. Now, first, if a mechanic works eight or nine hours, as the case may be, on one job, and then goes to another job to work additional hours, is that time counted as overtime which he puts in on the second job?

Mr. HALL. It was in this particular instance, I know, for this reason, that they would go from one job where they would work during the week to another where they would work Sundays; it would be a special hurry-up job.

The CHAIRMAN. All Sunday work is overtime?

Mr. HALL. Yes.

The CHAIRMAN. What I wanted to get at is whether or not it was true that the day's work, whatever the number of hours, comes as a rule between two specific times.

Mr. HALL. Yes, sir.

The CHAIRMAN. And work done outside of those times, those hours, whether on the same job or another job, is overtime work; is that true?

Mr. HALL. I think that would be true, but I could not answer that question directly. When I referred to this particular job, I referred more to the Sunday time, and to the desire of the men to get onto that work any way they could, so as to get in the extra work.

Mr. EMERY. Are there instances in your knowledge where men work on two jobs in the same day, leaving Sunday out; that is to say, a mechanic who is working on the job eight hours, after he has completed that day's work, goes to some other job where there is a push, and works overtime?

Mr. HALL. Yes; I have known that.

The CHAIRMAN. To any considerable extent?

Mr. HALL. Perhaps not to a considerable extent recently, because of the general lack of work and rush work, and lack of overtime.

The CHAIRMAN. Yes.

Mr. HALL. You understand the business conditions here have been such that there is very little of that; but that did happen on that particular job I speak of at that time, because it was a rush job, and it was generally known; that is, the mechanics knew it.

The CHAIRMAN. Is one job the extent of that experience?

Mr. HALL. No; I could mention other jobs, but they would be smaller. That was work here in the city, and the contractor was under heavy penalty if he did not complete it in time.

Mr. DAVENPORT. Do you refer to work on Government buildings?

Mr. HALL. Not in this instance. I am speaking of a local contractor and the local contract.

The CHAIRMAN. I am not trying now to develop violations of the law on Government buildings. Mr. Davenport, I am trying to find out what the practice of the men is—if there is enough of it to amount to a practice—in regard to making a day's work on one job and then working overtime on some other job.

Mr. DAVENPORT. I understand; but that brought to my mind the inquiry whether the contractor on one public building could work his men eight hours and then put the same men on another building, on another contract, and work them an additional number of hours—permit them to work more—without violating the act of 1892.

The CHAIRMAN. I had supposed that the construction of that act was clear.

Mr. DAVENPORT. In an instance that might be supposed, where a man had a contract to build a building and he also had another contract to build another building, both for the Government, is there anything in the existing law of 1892 which prevents a contractor permitting a man to work eight hours on one building and then to go to the other building and work on that building, it being a separate contract?

Mr. EMERY. On Government work?

Mr. DAVENPORT. Yes; on Government work.

The CHAIRMAN. I should say, off-hand, there would not be any difficulty about his conviction in that case, under the act of 1892.

Mr. EMERY. Did I understand you to state, Mr. Hall, that your members had found great difficulty in resolving what their position would be under the exceptions of the bill which takes from its operation articles and materials ordinarily purchased in the open market, whether made to conform to particular specifications or not, and supplies for the Government, whether made to conform to particular specifications or not?

Mr. HALL. There has been a good deal of talk and question in regard to what that bill meant, just what the idea was as to specifications and articles. I do not know that I am just clear on your question.

Mr. EMERY. I understood you to state that your members were in doubt as to just how far the exceptions of the bill would help them in what they otherwise feared would be impracticable prohibitions in the act?

Mr. HALL. Yes.



Mr. EMERY. And that you expressed the doubt of your members with regard to how far the term "articles" extended, and what class of materials would be exempted under the exceptions to the act, as a practical matter.

Mr. HALL. Yes, sir. Well, there is that question coming up all the time with them. They do not just understand what the exceptions would be, or to use the ordinary phrase, just where they would "get off."

Mr. EMERY. Is it the practice among your members in taking contracts for construction in the District of Columbia, either with the District government or with the Federal Government, to subcontract specifically for the various matters that enter into the construction of the building?

Mr. HALL. It is almost absolutely necessary. A great deal of the contract work for the Government, even in small articles—hardware, and matters of that sort—has some special mark on it, perhaps "U. S.," or some such mark as that. Take the Yale locks made for the Government; they would be of no use if thrown back on the contractor's hands, and they are ordered in such quantities that the amount, if thrown back on the contractor's hands, would make a serious loss to him.

Mr. EMERY. Do you know whether or not the structural steel or granite or marble, and the different requirements in the construction of buildings, are presently manufactured or prepared under an eight-hour schedule or otherwise?

Mr. HALL. That is, going back to the quarries?

Mr. EMERY. Yes; or the subcontracting for steel.

Mr. HALL. The quarries usually run nine or ten hours. I understand. Of course a quarryman can answer that more correctly than I can. I have only general information on that. I referred a moment ago to Yale locks. I spoke of them particularly because it happened only this morning that I was in an office of one of the large local hardware dealers here, and there was being placed a large order for locks for the Bureau of Animal Industry, locks for some work in Chicago, I think in the packing houses there, and the question was brought up in regard to the effect the eight-hour law would have, and the representative of the Yale lock people was there, and he said, "We find it necessary to work our men ten or twelve hours, and they are always anxious to work extra time." He made that statement without any question.

Mr. EMERY. Are not these locks always kept in stock?

Mr. HALL. No; and the fact that many of them are marked with the "U. S." on them adds to the difficulty. All those orders are given to the hardware dealers as special orders.

Mr. EMERY. They are made on particular specifications?

Mr. HALL. Yes, sir; and, of course, a lock with the stamp "U. S." on it would not be a lock used in the general market, and it would be thrown back on the contractor's hands. That same thing applies also to files, although it would be a close question there whether it would be an exception. Files are made under contract with the United States Government, subcontracted with a contractor in this city, from a hardware dealer, and they are made in such quantities and for such peculiar uses that they would be of no use generally, and the quantity would subject the subcontractor, if they were

thrown back on his hands, to heavy loss. They have to be gotten out in such short time that they have to work very often overtime to get the contract through, and it would make really a special order and special work. The contractor here would be under penalty if he did not deliver those goods to the Government at a certain time. These contracts are invariably made in that way; and, in fact, all the hardware work that is gotten for the Government is of a special nature in some peculiar way. I think it may be generally said that Government work has more special designs and is gotten out more specially for that particular work than any other class of contracting work.

Mr. EMERY. At the present time are the relations between the membership of your association and its employees pleasant or otherwise?

Mr. HALL. Yes, sir.

Mr. EMERY. Are the men apparently satisfied or dissatisfied with their hours and working conditions?

Mr. HALL. You mean the mechanics?

Mr. EMERY. Your employees; yes.

Mr. HALL. They are perfectly satisfied. I do not know whether this would be of interest to the committee or not, but it may, because I come in contact, as I say, with the mechanics generally. I think it was on Friday there were a number of men, perhaps eight or ten mechanics, in the office talking about work, and so forth, and one of them brought up this bill himself, and while the general feeling was that eight hours should be a standard day's work, yet they all felt as if they wanted the right to work more than eight hours, and this point was finally brought out. One of them said he believed if simple time was given instead of time and a half for the extra time, that the contractor would then feel that he could allow his men to work nine or ten hours when the weather was specially good, and under conditions of that sort could carry on his work faster and better, both for his own benefit and for the benefit of his men, because they would draw more money per week if they worked even time, regular time, instead of time and a half; while if the employer has to pay time and a half, he feels he can not work his men more than eight hours, because, of course, if he worked them overtime it would make the cost of his construction 50 per cent more for the extra time. I do not know whether that is the general feeling, but those men felt they would rather have even time under those conditions than time and a half. Of course, that would not affect the eight-hour day. They would want the privilege of working eight hours and leaving off if they preferred to and coming back the next morning to work. They would not want it compulsory to work overtime.

Mr. EMERY. The eight-hour day is the standard in the building trades now, is it not?

Mr. HALL. Oh, yes; it is.

Mr. EMERY. But the practice of working overtime is also general, is it not?

Mr. HALL. Yes; it certainly is.

Mr. EMERY. Have you known of any proposals made by labor organizations in the District of Columbia to employers to prohibit overtime?

Mr. HALL. No, sir; I have not.

Mr. EMERY. You have never known of any contract being entered into here between employers and employees, both organized, in which the men were prohibited from working overtime for overtime pay?

Mr. HALL. No, sir.

Mr. EMERY. Do you know, within your experience in the District, Mr. Hall, of any instances of any agreements between union and employer, where the union requires the business agent or the union itself to pass upon the question of whether or not an emergency exists, before they are permitted to work overtime?

Mr. HALL. You mean do I know of a concrete instance, of a particular instance?

Mr. EMERY. Yes.

Mr. HALL. I do not.

Mr. EMERY. I do not speak of a practice so much, but do you know of an instance of that kind?

Mr. HALL. No, sir.

Mr. EMERY. How long have you been in your present position in the District?

Mr. HALL. About a year.

Mr. EMERY. You have no personal knowledge, then, of any such thing?

Mr. HALL. I have no personal knowledge.

Mr. EMERY. Or any information that such condition existed?

Mr. HALL. No, sir.

Mr. EMERY. What was your occupation previous to your present position?

Mr. HALL. I was in the city of Providence, R. I., and was a superintendent or assistant superintendent there in a manufacturing jewelry business, which employed fifty or seventy-five men. Our hours there were ten per day.

Mr. EMERY. Can you say, with reference to the provisions of this particular bill, whether or not it would be practical for your members as contractors on Government work to become guarantors for the observance of these strict eight-hour conditions by their subcontractors in the preparation of the various materials or articles which they require to complete their own Government contracts?

Mr. HALL. It certainly would not.

Mr. EMERY. It would not?

Mr. HALL. No, sir; it would not be practicable for them to do it. That has been the general expression of everybody I have talked with. It would put the contractor in a very serious condition financially.

Mr. EMERY. And as you say, your association represents at this time the largest contracting investment in the District of Columbia?

Mr. HALL. Much the largest.

Mr. EMERY. Much the largest in the making of Government contracts?

Mr. HALL. Yes, sir.

Mr. EMERY. And contracts with the District of Columbia?

Mr. HALL. Yes.

Mr. EMERY. That is all, unless the committee wants to ask some questions.

At 11.45 o'clock a. m. the committee took a recess until 2 o'clock p. m.

## AFTER RECESS.

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) presiding.

Mr. EMERY. Mr. Chairman, before proceeding with the examination of the witness who is before the committee, I should like to call the attention of the committee to a mechanical device which presents an exceedingly interesting and absolutely reliable bit of testimony on one of the points which has been frequently raised in the course of this discussion—that is, as to whether you could get nine hours' efficiency out of an eight-hour day; or, to put it more accurately, whether you would get under an eight-hour day the efficiency and volume of production which is normally obtained from an eight-hour day; and there have been two answers to that, one the mechanical one, and the other the human answer, the mechanical answer being that it was practically impossible to get out of machinery the same work in eight hours that would be gotten out of it in nine hours, and consequently that there would be either an increase in the cost of production or a decrease in the amount of production, ultimating really in the same thing. So far as the human equation was concerned there has been a varying expression of opinion as to whether or not in particular occupations, where more or less was left to the human differential, there could not be obtained from the individual the same amount of work in eight hours that would be obtained in nine hours, but the mass of opinion that has been offered to this committee has been to the effect that it is quite impossible, other things being equal, to get an average nine hours' work, or the equivalent of nine hours of work, under any conditions, in eight hours.

A very interesting bit of mechanical testimony, a thing which would not have been available a few years ago, has been brought to my attention and I want to submit it to the committee for their own examination. The Evening Wisconsin Newspaper Company of Milwaukee, Wis., operates a series of very large presses, as do many of the great newspapers, and they place upon them from time to time, in an examination such as is nowadays made of mechanical efficiency in factories and other places where large amounts of power are developed and used, a recording ampere meter, which is an electrical contrivance for the purpose of measuring the amperage or amount of current where power is being developed, the idea being to see whether there is a loss of the efficiency in a factory which ought normally to be there, and this meter is absolutely and scientifically accurate and measures the exact length of time necessary, first, to secure the normal efficiency which is called for by the amount of work to be done, and then it registers the fluctuations in that efficiency, if any there be, and shows the conditions under which it is maintained, so that a man in the possession of a power plant of that kind may know just what his loss of power is; and, of course, as industry becomes more diversified and as industrial competition increases, it is absolutely essential that men in large industries should know almost to a fraction of a horsepower what is being developed and what is being used. For that purpose this record was taken at a time when a demand was made by the printers and pressmen of the Milwaukee Evening Wisconsin for an eight-hour day, they alleging that it would be quite impossible for them under eight-hour conditions to do

the same amount of work that was being done in nine hours under the existing conditions, the mechanical factors to be the same and the human factors only changing in the length of time in which their energy would be applied. The Evening Wisconsin Company caused this record to be taken, and they have sent it to me to go with this letter, which was originally sent to me with a very brief note. I could not understand from the note what the exact relation of the record was to their plant, and I asked for information and have received the following letter from them:

MILWAUKEE, March 6, 1908.

MR. JAMES A. EMERY,  
Willard Hotel, Washington, D. C.

DEAR SIR: Replying to your letter of March 2, asking for an explanation of the ampere records which I sent you in February.

Bear in mind that our establishment of daily newspaper and a large book-printing establishment is all operated by a single generating electric engine. All the press work, all the type composition, all the book binding and other matters are run by this one engine, about 200-horsepower. Upon the power current we place the apparatus to mark the amount of power expended throughout the day, every half hour, from zero to maximum. Of course, zero shows what power is expended in turning the machines themselves, as well as the length of time. In fact, the apparatus or record is like holding a stop watch at a race course to tell what is done. You will find inclosed herein the amount of power being used and, of course, the amount of work being done at the same time, every half hour throughout the day, beginning at zero (200 amperes) on October 11, at 7.45 a. m., and ending at 5.30 p. m. October 22, at 280 amperes of power. On the record which you have you will find zero in the center and the markings out to the figures to correspond with the figures in the report which I herewith inclose. So that where the "human relation" comes in, as you express it, is that we do not get eight hours' of service with an eight-hour law. We estimate it is not quite equal to seven and one-half hours.

This is an answer to the printers and pressmen and bookbinders who asked us for eight hours, saying that they could do in eight hours as much as they could in nine hours, which is not the truth, so I put on to them the stop watch which tells the story. With the half-hourly report of the condition of the power current which we herein inclose we believe you can understand the unfailing record which they give us.

Yours, truly,

THE EVENING WISCONSIN COMPANY,  
A. J. ATKINS, General Manager.

It is a very interesting report, inasmuch as you can follow the fluctuations of power as recorded by this electrical instrument made for this purpose [indicating diagrams]. You will see here the starting time and you will observe the length of time it takes to obtain the normal efficiency. You can see how slowly the normal efficiency is obtained in the flow of power, and then when it is obtained it will take from a half to three-quarters of an hour to get the normal efficiency, which you see fluctuates slightly within certain limits; but at quitting time it goes down instantly. When it starts again it then takes another half or three-quarters of an hour to get the efficiency, and it again runs in a fluctuating way; and you will notice that in the afternoon hours the fluctuations are always more marked than in the morning hours—that is, it is not difficult to shut the power off, but you will see from this the difficulty in getting started and getting it up to the normal efficiency.

MR. RAINEY. In order to get that efficiency, in other words, they should start the machinery a half or three-quarters of an hour earlier?

MR. EMERY. The moment they start the expense begins.

THE CHAIRMAN. Is not that a misconception?

Mr. Rainey says if the machinery is started sooner will not the normal efficiency be reached sooner, while on the other hand the real contention is that a man starting work requires a certain time before he arrives at normal efficiency.

Mr. EMERY. Yes, sir. There are two points there; one is that the machines are started and the human equation is not applied until there are 200 amperes applied. This illustrates the general condition in all mechanical industries, for the argument that is made in regard to that can be made in regard to any plant where mechanical and human labor are combined to produce the result. There is a point where the mechanical power and the human power join, and there you he arrives at normal efficiency.

Mr. RAINEY. I do not know how that shows anything except that it takes some time to get that machine up to its maximum efficiency.

Mr. EMERY. It shows the correspondence between the human and the mechanical labor.

Mr. RAINEY. That is what I can not see.

Mr. EMERY. These men are operating this machine. The power is being supplied from a reservoir of power, we will say, and as much power is turned on as the human element working with it can use, and that power is increased as fast as the men working it can use it. It runs all the presswork, the type composition, and the book-binding.

The CHAIRMAN. The idea, Mr. Rainey, to make it clear, is this: Suppose an electrical current operating on motors ran twenty small sets of burs grinding feed. If when the thing stops at noon those hoppers were full, and you turned on the current, from the moment the current was turned on there would be the same exhaustion of power that there would be at any other moment with those hoppers full of feed. The work they are required to do is there. Now, instead of being something mechanical like that, these are presses to be fed, lathes that are to be turned over, and something fed to them by human hands. The fact that so much current is not required for a given number of minutes shows that the human agency does not get into its swing for that number of minutes. There are not so many pieces of material being pushed under the lathe with the same force.

That is a valuable thing to be put into the record, but really, is it contended anywhere that any physical agency starts at anything with its maximum power? The man starts off on a slower walk. So does the horse. The carpenter taking up his adz at 1 o'clock, never, to the observation of any eye, starts in to swing it with the confidence and force with which he swings it ten or twenty minutes afterwards. Is it not a universal fact, exposed to human observation anywhere and everywhere, that all physical agencies start in slowly, or comparatively slowly; that they do not start at the maximum? Did anybody ever suppose that a man picking up a pitchfork to throw stuff on a wagon, throws as many forks the first minute as he does the twentieth or the twenty-fifth minute. There must be a beginning.

Mr. EMERY. That is our belief fully, Mr. Chairman, and it has come into this argument because of the reason which is very frequently advanced for disposing of the practical contention made as to the economic loss and the productive loss in an eight-hour day

system, the theory being very frequently expressed that because in many forms of mechanical production, where machinery is so large a factor of production, the human element can probably be eliminated. It is contended, for instance, as you have in many high types of industry, the machine does so much work that a man is a mere supervisor or attender; it is claimed that the machine can start up and do as much work in eight hours as it could do in nine hours. That statement has been made here sometimes. In the second place, you will note from an examination of this question and from the experience you suggest, that wherever the production, mechanically speaking, is the result of careful coordination between the man and the machine, the action of the machine is modified by the action of the man, and it expresses the very thing to which you have called attention in human action, that it starts slowly and, just as a man, gains flexibility as it goes on. What we have called attention to has been for the purpose of showing what has been shown so much in this testimony, that where these great industries, representing investments of millions of dollars, their capacity to employ men and to use labor is dependent, of course, upon their ability to employ the men profitably.

Mr. RAINEY. In other words, an eight-hour day would not mean that both machine and man work for eight hours at their maximum efficiency?

Mr. EMERY. That the loss in the eight-hour day would be subject to every loss which exists in a nine-hour day.

Mr. RAINEY. Or a ten-hour day.

Mr. EMERY. Yes; or a ten-hour day.

The CHAIRMAN. The larger the day the greater the percentage.

Mr. EMERY. The greater the percentage of loss. Where large industries are already established their investments of capital, their prices in competition, are based upon a nine-hour day, and it is difficult to change all that; it can not be changed in a moment; it is an established thing, and it is very difficult to change it now under the capricious whims of an hour.

Mr. HASKINS. It ought not to require any argument in this day to satisfy a practical man, or a man who has ever done any work himself, that a man can not perform as much work in eight hours as he can in nine, because every man of common sense knows better.

Mr. EMERY. This shows that a machine can not, either.

Mr. HASKINS. I do not care about the machine.

**STATEMENT OF MR. GEORGE L. MARKLAND, JR., TREASURER  
AND BUSINESS MANAGER OF THE PHILADELPHIA GEAR  
WORKS, INCORPORATED.**

Mr. EMERY. Will you state your name and business occupation?

Mr. MARKLAND. George L. Markland, jr., treasurer and business manager of the Philadelphia Gear Works, Incorporated.

Mr. EMERY. Are you here in any representative capacity?

Mr. MARKLAND. Representing the metal manufacturers of Philadelphia.

Mr. EMERY. Will you state what the Metal Manufacturers' Association of Philadelphia is?

Mr. MARKLAND. They comprise men and companies, corporations manufacturing machinery, such as lathes, gun carriages, milling machines, planers, general machine shop equipment, brass work, chandeliers, and so forth.

Mr. EMERY. Are they large employers of labor?

Mr. MARKLAND. Our association comprises about 18,000 employees. I do not recall just the number of companies in the association.

Mr. EMERY. Are the members of this association, or many of them, frequent contractors with the Government for articles, materials, and supplies?

Mr. MARKLAND. Oh, yes.

Mr. EMERY. Can you state to the committee what the character of articles or materials or supplies usually manufactured for the Government is?

Mr. MARKLAND. We supply the requirements for the battle ships.

Mr. EMERY. Of what kind; what sort of things?

Mr. MARKLAND. The equipment.

Mr. EMERY. The equipment for battle ships?

Mr. MARKLAND. Yes; the Cramp Company and the William Sellers Company, George V. Crescent; they supply gearing machinery and engines.

Mr. EMERY. In that relation, then, they are subcontractors to contractors for ships?

Mr. MARKLAND. Yes; and in some cases they contract direct with the navy-yard.

Mr. EMERY. Have you familiarized yourself, Mr. Markland, with House bill 15651, now under consideration before this committee?

Mr. MARKLAND. Termed the eight-hour bill, is it not?

Mr. EMERY. Yes.

Mr. MARKLAND. Yes, sir.

Mr. EMERY. Will you state to the committee the conclusions which your association has formed and the practical difficulties which they, and you, as a practical man, would find in the operation of that act in its application to your particular industries?

Mr. MARKLAND. We being subcontractors, of course, sometimes our own firm supply the Government direct, but other times we supply such firms as the Cramp Company, the New York Shipbuilding Company, and some of the arsenals for their contracts. We supply them with an order, furnishing our specialty, which is gears. Of course, the same thing would apply to other concerns in our association as subcontractors. We have in our plant a force of 40 men, not very many, but considerable when you take into consideration the fact that we are specialists.

Mr. EMERY. You are specialists?

Mr. MARKLAND. We are specialists; we make gears only for the transmission of power.

Mr. EMERY. And you make them for the Government?

Mr. MARKLAND. We have made them. Just recently we made a shipment to Washington for the Government, some thousand-odd pieces.

Mr. EMERY. Are those things which can be bought in the open market?

Mr. MARKLAND. Oh, no.



Mr. EMERY. They are all made to specifications?

Mr. MARKLAND. Yes; according to specifications.

Mr. EMERY. That is true, is it, also of the other members of the association to which you have referred as occasionally or frequently contracting with the Government?

Mr. MARKLAND. Mostly. There is a small percentage of machinery which is manufactured and not made especially for the Government, but that is a small percentage. Usually they have some specifications which require the building of the machinery separately. If we should undertake, for instance, to supply these gears such as we did recently to the Department, if we should have undertaken to put our men on eight hours, engaged in that particular contract, we would have had a part of the force engaged eight hours, either stopping or starting earlier. The result would have been, of course, the disruption of the plant. Of course, we run our engines all day. We would increase our C. P. H.—our cost per hour. We must run our men fifty-five hours per week in order to keep our costs within a reasonable figure, which is rated at 35 cents.

Mr. EMERY. Per hour?

Mr. MARKLAND. Per hour. In February we had the force so low that the cost per hour advanced to 64½ cents. Of course, if a man's pay should be 35 cents, which is the average in our plant, that would bring you to a dollar an hour for work; that would be the cost for wages and the C. P. H., not including material, under the present conditions. Now, lop that off to eight hours and you have increased your cost about 25 per cent; you have increased your loss of power and you have increased your C. P. H.—that is, your cost per hour—by reducing the number of hours a day running. It is a complicated matter of figures if you undertake to bring it down to actual figures, but the percentages are evident.

Mr. EMERY. As a practical matter, though, does it spell loss or gain?

Mr. MARKLAND. It spells loss to a great extent; if it became general, if it ever became a law, if the eight-hour law was a general law, that would not occur, but if we have to compete with other fellows who run any time, and if we break up our general running order, we are going to disrupt our plant; our men simply would not stay.

Mr. EMERY. Let me ask you in passing, is it a fact that in your own factory and in the factories of a majority of the members of your association, and in fact in many of the greater mechanical industries of the country to-day, that the hour rather than the day is the unit of time on which costs are computed and wages computed?

Mr. MARKLAND. The hour is the time. We are getting out of the habit of speaking of them as days; we are speaking of weeks and hours as the basis.

Mr. EMERY. That is becoming more and more general in industries?

Mr. MARKLAND. Oh, yes.

Mr. EMERY. So that the earning power of the employer, as well as of the employee, under these conditions is being rated in terms of the hours which they can either buy or sell?

Mr. MARKLAND. Yes. The employees are anxious to sell all the hours they can.

Mr. EMERY. Has that been your experience?

Mr. MARKLAND. Oh, yes.

Mr. EMERY. Do you speak simply as an employer, or can you also speak as an employee?

Mr. MARKLAND. On both sides. I am a machinist by trade.

Mr. EMERY. You worked at the trade?

Mr. MARKLAND. Oh, yes.

Mr. EMERY. For how long?

Mr. MARKLAND. Ten years—yes, probably twelve years.

Mr. EMERY. Do you find among the skilled trades a general desire to secure overtime opportunities?

Mr. MARKLAND. Oh, yes.

Mr. EMERY. I want to ask you particularly, Mr. Markland, is that just as true of the very highest paid skilled labor as it is of other forms of labor?

Mr. MARKLAND. Yes. Our tool makers, for instance; we have three; the chief tool maker we have to frequently ask to stay and do some work on tools for rolls. It is a new bar gotten out by a concern in New York, a new reenforced steel bar, and the other companies in the country have not been able to get it. In order to get the stuff out for emergency orders we have asked him to stay and do the work. "Gladly," he says; "glad to get the chance to get the money."

Mr. EMERY. How much is his pay?

Mr. MARKLAND. Thirty-eight cents an hour.

Mr. EMERY. His normal working day?

Mr. MARKLAND. Fifty-five hours; we run from 7 to 5.30, with a half hour at noon, and close at 12 o'clock Saturdays. We have done that for the last sixteen years.

Mr. EMERY. In your experience, then, both as a journeyman mechanic and as an employer, you find the desire to secure overtime employment is, if anything, more general in highly skilled and highly paid labor than in the lower forms of labor?

Mr. MARKLAND. Inasmuch as they have more intelligence, yes.

Mr. EMERY. And greater earning powers?

Mr. MARKLAND. Oh, yes.

Mr. EMERY. Will you make a statement, Mr. Markland, in behalf of yourself and the association you represent with respect to the practical effects of this bill as you see it on the industries you represent?

Mr. MARKLAND. It would cause a readjustment, which would cause an advance in price to the Government in business from 25 to 30 per cent.

Mr. EMERY. You mean it would cost the Government that to have the contractors accept their contracts on the terms proposed?

Mr. MARKLAND. Yes; and then who will accept the contract? Who will bid on the work? We surely would not, because we could not afford to disrupt our plant. We would not bid to the New York Shipbuilding Company or to the other plants or to the Government direct. If they transmitted us an order we might accept it, and we might not; the chances are we would not if we had to cut our plant in parts, and run part of it eight hours, so that if we had to depend on that work for the running of our plant we would have to run the whole shop eight hours; that would mean constantly. If you are running a 50-horsepower engine and you have a force of 40 men,

say you are running 10 of them on Government work—one-fourth of your force—then you would have to stop at the end of eight hours; but the efficiency of your engine and the overhead charges, the general wear and tear on the plant goes on, and you are not getting the full benefit of that power or of the money expended in the plant; you are not getting the full benefit if you work eight hours, and we can not afford to consider that unless it becomes general. If you accept Government contracts on an eight-hour basis, under an eight-hour proviso in the contract, you have to lay off part of your force at eight hours or stop certain machines. Suppose you have a contract for an automatic screw machine, which is an expensive tool, costing from \$2,000 to \$4,000; you have a Government contract; it may take from four to five hours to set up that tool. At the end of the eight hours that man must be stopped on that machine, and you must then put him on some other work. Could you work your men on the other work for the balance of the ten hours?

Mr. EMERY. Oh, yes; he can work on other work; he is confined to eight hours on Government work.

Mr. MARKLAND. Then you have a \$3,000 or \$4,000 tool standing idle for that two hours or more. If you ran three shifts of men, running twenty-four hours, it would be feasible, but unless your plant runs the twenty-four hours you could not afford to do it, because you are standing idle sixteen hours, and the plant does not earn while it is standing idle. There are automatic machines, the automatic screw machine, and you can have one man running four or five machines, and he might go and loaf four or five hours during the day. The question would be, are you working that man under the contract? You might, and you might not. I do not know how you would construe it; I do not know how you would get at it. That is to say, if the man was working these automatic machines and the employer said, "Now, Jim, you go and skidoo for about an hour or so this morning; the Government does not allow you to work more than eight hours. We will allow your machines to run along; they are fed; the hopper is full of material. You come back after dinner and run four hours more and loaf in between starting and quitting time." The question would be, would that be against the law?

Mr. EMERY. That would be settled by the inspector; you would have to gamble on that proposition with him.

Mr. MARKLAND. We would not gamble.

Mr. DAVENPORT. Who would keep track of it? Part of the force would be on Government work, and then go off on private work, and then go back to work on Government work. It would take an inspector for every man, would it not?

Mr. MARKLAND. Most assuredly; you would have to have several inspectors on the job. They do that sort of thing in France, I believe, two or three million inspectors and two or three million workmen, something like that.

Mr. EMERY. Do you employ both union and nonunion men?

Mr. MARKLAND. Oh, yes; we make no discrimination at all. The men have a right to organize. We say, "We want the product piled on the floor; we will pay you; bring it out and bring it out right and we will pay you the money."

Mr. EMERY. Do you find any difference of desire to secure overtime for overtime pay between the union men and the nonunion men?

Mr. MARKLAND. We work on a premium plan largely. We will take a job and we will take the superintendent of the shop, myself, probably, and one other, and we go over this work, take the blueprints and specifications and look it over, and we conclude a man can do that work in about five hours if he hustles. Of course, we have records which have been kept for sixteen years, and we can get every class and what time a man can do a job in. We say, "Jim, there is a nine-hour limit on that work; look it over and see." He will say, "I don't believe I can do it." We say, "Make a run at it." He will try to do it in four and a half or five hours. Sometimes he will run it up to six hours. Then a man gets 12 cents an hour for every hour he has off. The result is that several weeks ago, when we started to shut down on Saturdays, the men kicked about it. Those who were working said they did not want to stop Saturdays; they wanted that five hours' pay; they could make in that five hours probably eight or nine hours.

Mr. EMERY. You mean eight hours' pay?

Mr. MARKLAND. Yes, by the use of the premium system. That applies to union men as well as nonunion men.

Mr. EMERY. Just as much?

Mr. MARKLAND. Just as much. They want that dollar. We do not restrict them as to tools. We tell them we will provide any tools they want, any peculiar kind of steel manufactured. We have imported steel from foreign countries—in most cases found it worthless—and anything at all to get the fellow to use his brains and push ahead. To illustrate: Take this gear up here [indicating], 18 inches in diameter, a man will turn that off in two hours. We will give him a four hours' limit on it. He might, if he is an exceptionally fast man, do it in one and three-quarters hours. The man makes almost double his pay.

The CHAIRMAN. Right there take an illustration of that; what are the probable wages of that man called "Jim" in the record, who took the piece of work on which you put a nine-hour limit? What is his probable pay per hour?

Mr. MARKLAND. Thirty cents.

The CHAIRMAN. He does the work, if I understand you, in six hours, probably?

Mr. MARKLAND. Yes; supposing he had an accident.

The CHAIRMAN. In six hours, for which he gets 30 cents an hour. Now, for the three hours that he has saved the machine you pay him 12 cents an hour?

Mr. MARKLAND. If we conclude that the accident was not all his fault, we will give him the benefit of it and raise that limit to twelve hours, making him 42 cents an hour.

The CHAIRMAN. Then, in your reckoning, it will take him only six hours in case he had an accident; how many hours if he had no accident?

Mr. MARKLAND. Four hours or four hours and a half.

Mr. EMERY. He has allowed for the accident on that, Mr. Chairman.

The CHAIRMAN. I see the theory. There is a nine-hour limit and the work was done in six hours; leaving out the matter of accident, the wages are \$1.80, but the man also gets a premium of 36 cents for the three hours he has saved to the machinery. That is the theory?

Mr. MARKLAND. Yes. The desire on the part of union men to take advantage of our plant has been fostered through the fact that we do not cut a ticket.

The CHAIRMAN. What do you mean by that?

Mr. MARKLAND. The old plan was when a man made over \$3 a day the employer said "He is making too much money; that fellow will get too smart for us; we will cut that price so that man can not make more than \$3 a day." We have men in our shop making \$8 a day. We never cut a ticket. If we have a contract with the Government for so many years at so much money that settles it. We will say to the men "There is so much limit on this job turning these blanks." We will let out the cutting of the teeth—we do not like to let them out on a premium because a man is likely to run it through and get a shattered tooth.

Mr. EMERY. That is in the gear?

Mr. MARKLAND. That is in the gear, yes; this tooth around here. The time for turning that job is so many hours. "Now, rush it; do the best you can with it." Our men are trained so that they sail into it to beat the band; they put on the best power they have, make the belt pull every ounce it will pull, ground their tools to the proper angle, and get the best out of that machine possible. He does that job, say, in three hours, but he has twelve hours. Of course, it might be a long job, three or four hundred hours. This happens frequently; this is not an occasional thing; it happens in our shop right along. Our contract with the Government is not cut. By that means a man has earned for himself \$1.08, the premium and his three hours' pay, which is 90 cents; he has more than doubled his time. So that if a man is getting 30 cents an hour, in ten hours he would get \$3, the 30 cents an hour and the additional for the three hours' work, or 37 or 38 cents an hour besides. But we never cut a ticket. The union man, knowing this, applies to our shop frequently, so that he can get into that plant and go to work. We have spoken of this to many concerns and they are adopting the same plan, never cutting a ticket, so that the union man hunts for that chance to make his overtime, the same as the other man does, and if we want him to work overtime he works overtime.

Mr. EMERY. Then during your experience as an employer, Mr. Markland, have you known of any organized or generally expressed individual opposition to overtime as a system?

Mr. MARKLAND. The union, of course, opposes—

Mr. EMERY. I am not speaking of overtime for overtime pay; I am asking if in your experience as an employer you have noted among organized workmen and unorganized workmen a general tendency of opposition to overtime work as such?

Mr. MARKLAND. Except for Saturday afternoon and Sundays, our men would work all night, and have done it, and not kick, but when you come to Saturday afternoons, you have got to go and show him that it is a necessity to get that work out, for him to work; he does not want to work Saturday afternoon and Sunday, nor do we ask it if we can avoid, but we only have to indicate that the opportunity is there to work at night any time through the week and he will gladly work.

Mr. EMERY. Do you know of any instance, of your own knowledge, where the men have chosen to work for one factory or one employer

where there were opportunities to make overtime pay as against any other employer where such opportunities did not exist?

Mr. MARKLAND. I have a case of a concern in Philadelphia which is called the Langfeld Company. They manufacture leather goods specialties. Their men, some time ago, came to Mr. Langfeld and said they were anxious for an eight-hour day; they were working then on the day run; a man was paid so much a day. If he worked a day, of course he got paid by the day. Langfeld took the question up and told them that hereafter he would work them eight hours a day, but "you will be paid by the hour, and your rate will not be increased to the fifty-six hours." He was then running fifty-six hours, and the fifty-six hour rate, while running eight hours a day. Then he devised a scheme; he got teams of men in various parts of the shop, taking the intelligent men, he could not use the others for this sort of work, and he would take in a case like the Westinghouse people, who give away their fancy leather goods every year, very many of them, and I cite this case particularly; they would take those goods and say to the foreman of this particular team, "There is \$40 a gross for this work," and they look it over and conclude that is all right. They are working on an eight-hour day; they use very little power. He would go back there sometimes at 7 or 8 o'clock at night, and he would find them digging to beat the band on that stuff to get it done. They would take all the hours of all the men who work on the stuff, and at the end of the job, when it was finished, compute that time, and if it ran to thirty or thirty-two or thirty-four dollars, the difference between that \$40 was then divided among the men who worked on the goods. But he said invariably those men on those teams on a contract where they have so much leeway will stay to 7 or 8 o'clock at night and work right along through the day, and the other fellows, when the eight hours was up, off they go, but that is not the intelligent class of men, those who quit when the whistle blows. If you look at the pay roll, which is a very good indicator, you will find so many men whose pay is so high, and to those men we give the best work and get the best results. You will find their hours running so high every week.

Mr. EMERY. How much do your own men make on an average?

Mr. MARKLAND. Some of our men have averaged \$50 or \$60 a week. With 40 men we have had pay rolls running nearly \$700. That includes, outside of myself and Mr. Grant, \$118, the office wages, and the balance goes into the plant. That, I think, is also true of Crescent, Sellers, Langfeld, Berstein Manufacturing Company, Eynon-Evans Company, and numberless other companies in Philadelphia. There are many of them who have adopted a sort of premium plan of their own scheming and they find that many of their most intelligent men take advantage of it and do not hesitate to work overtime. George B. Crescent & Co. have had the pneumatic molder in the foundry. They had a strike. Through our labor bureau in Philadelphia, the Metal Manufacturers' Association, we supplied them with molders, and they picked out the most intelligent men to operate those pneumatic machines, because they could not afford to put the man of less intelligence on those expensive tools; the other men stayed on the dock; they did not quit.

Mr. HASKINS. I want to get this matter into my mind. These men who are working on a premium. For instance, they have a nine-

hour day in your shop. I become one of your employees; you pay 30 cents an hour; I work nine hours and get \$2.70?

Mr. MARKLAND. Yes.

Mr. HASKINS. You set me to work on a piece of work, and I can be nine hours about it, but you tell me to hustle and I get it out in four hours at 30 cents an hour, which is \$1.20. How do I make up my \$1.50?

Mr. MARKLAND. You are working on other work as soon as you are done that job. You have turned this up, this blank, you have turned it, bored it, faced the ends, written the ticket, turned it into the time clerk, and the foreman checks it and O. K.'s it, seven, or six, or four hours. Then he says: "Smith, here is this other job now, with six hours' time limit." You do that in three hours. You had three hours to do the first job, and then six hours, provided you split the ticket. That is, we presume that a man will split the ticket; we prefer to arrange the ticket so that he can split it to encourage a man to use his brain and not only his hands and feet. We are willing to pay for it, and we have the choice of men in Philadelphia, because of the opportunity to make more money. You then have done the two jobs and consumed six hours. By the way, we run ten hours, except Saturdays. You then have the six hours' balance, and we give you another that might consume two hours. That is eight hours. "You can not do any more work, Smith, on this work, and this is not ready. Suppose you go up and fix that machine for Jones." You do that, and you charge an hour up for shop time for repairing such and such a machine. For that you get your 30 cents for the other eight hours. You have made a premium of, say, eight hours, 96 cents, in addition to that \$2.40 which you have gotten for the eight hours' work.

Mr. RAINEY. That is really piecework?

Mr. MARKLAND. Hardly; you could not call it piecework, because you give them a certain price for certain work. As a matter of fact, I think it does amount to piece work.

Mr. RAINEY. You give six hours' wages for this work?

Mr. MARKLAND. You give six hours' time in which to do the work, but assume that the man gets 20 cents an hour.

Mr. RAINEY. Then you give him \$1.80 to do the work, so that is really piecework.

Mr. MARKLAND. Not exactly. You could not look at it that way. There are lots of elements there. We have men who will turn out stock work, which is simply stuff we carry. We will take a young fellow and we will say, "Here is some work with a half hour limit apiece." "I can not do that." "Certainly you can not, but get at it and find out how the other fellow does it, but that is the limit on the job."

Mr. RAINEY. Six hours?

Mr. MARKLAND. Half an hour apiece: say it is twelve; six hours is the limit of these twelve. Of course we know he can not do it, but it is an incentive; he probably does the work in five and a half hours, while he had six hours to do it. We pay him 20 cents an hour, a boy, a young fellow. We say to a man, "The limit is six hours." We pay him 35 cents; it is done in one and one-half hours. Piecework would not enter into that. Not only have you taken a more efficient man to do that work, but you are going to save; if he

does it in two hours, he gets the other man's five; he gets 35 cents an hour. It costs us 70 cents an hour. Our C. P. H. is the same for that man as for the other man.

The CHAIRMAN. You have no other basis for fixing that time than the judgment of the superintendent?

Mr. MARKLAND. We have records of over sixteen years, which would comprise most any cost you could bring for any gear. We can arrive at a close estimate of the time required to do the work.

The CHAIRMAN. That is true, but this is what I mean: You call Jones and say, "There is a job; that is a nine-hour job." Jones does it in five, for which you pay him \$1.50, if he is a 30-cent man, and if you pay him 48 cents for the time he has saved. By what measure do you fix that as a nine-hour job? You expect him to do it in four or five.

Mr. MARKLAND. The plan is, we have to-day men who are doing the work which six years ago took ten hours to do, and they are now doing it in six. You can readily see that if we take an old record to go by, that man might work his ten hours to do that job and get his \$3. If he works and does the job in six hours, he gets \$1.50, and four times twelve. He makes more in his six hours than he would if he worked right along under the old slow regulation speed. We assume that if that man hustles he can do the job in six hours, and we say to him, "The limit on that job is twelve hours." That is to say, we say we take an old job which has been done time and again on work by the minute, so many minutes for this operation. We get very close results by taking that method.

The CHAIRMAN. But still it is in the judgment of somebody just what measure you take?

Mr. MARKLAND. Yes; and we take that old record to go by.

The CHAIRMAN. If you take an old record—for instance, if you take the record you cite, that that is a ten-hour job, and the wages were 30 cents, the man would get \$3 for the job, and it would cost you \$3 plus the power?

Mr. MARKLAND. Yes.

The CHAIRMAN. But if you would say to him, "Now, that is a nine-hour job," and he goes and does it in five hours, he has four hours to his credit; he gets \$1.50 and 48 cents, which is \$1.98; he gets \$1.98 for five hours as against \$3 under the old system?

Mr. MARKLAND. Yes.

The CHAIRMAN. You take that ten-hour job in the particular case and say, "Joe, here is a nine-hour job," but still it is an arbitrary matter in the judgment of somebody else. You might say eight-hour job, or eleven-hour job.

Mr. MARKLAND. Then, of course, we would not be successful in our plant. We have to consult with the men. He will look at the job, look at the work, and he will say, "I do not believe I can do that in five hours," assuming that it is a ten-hour job.

The CHAIRMAN. Is that the measure you are seeking to take, now, just one-half of the man's capacity?

Mr. MARKLAND. The man's capacity is what he can do, of course.

The CHAIRMAN. Exactly, and if you say to him that that is a ten-hour job and his answer is that he does not believe he can do it in five hours, he must understand that you mean to fix as the standard double the time that will be required?



Mr. MARKLAND. Yes, that is it; that is our plan always, to give a man double the time, but we figure that he must use every energy to get the additional money, because we have bid on the assumption, we have bid to the Government so much money for so much work; but we have assumed that the men will do that work in a half hour apiece.

The CHAIRMAN. Then your basis of bidding—I do not mean to inquire into that, but to get your idea—would be ten hours?

Mr. MARKLAND. No. We will assume that the man will do the job in five hours, and take on our cost per hour, which would be 35 cents; take his pay, 30 cents; premium, 12; cost per hour, 45; it would be 77 cents plus that.

The CHAIRMAN. That is not it, because then you would be the loser on your premiums. If you take that job, you now hand that job to a man and say, "There is ten hours on this job." He questions whether he is able to do it in five hours. His understanding is that you fix double the time.

Mr. MARKLAND. Yes.

The CHAIRMAN. If, in your bidding, you reckon that as a five-hour job, you would lose the 60 cents on it if you pay the man premium for saving the other five hours.

Mr. MARKLAND. No; we have reckoned in our cost; we have said to the Government, "This is giving us 35 cents for C. P. H., 30 cents an hour for man's hire, and we have figured he will make a premium on that at 12 cents an hour. We add to that 25 per cent profit."

The CHAIRMAN. That is, without pursuing it, you have to take as the measure of time when you hand the job to the man the same measure, or about that, which you have figured in your bid?

Mr. MARKLAND. Yes; the man may, by using his brains, do the job in four hours, and it has recently occurred, in fact—occurred in the case in which we just sent the goods to the Government—he did it in considerably less than half the time.

Mr. HASKINS. But the workman is not getting as many dollars and cents as he would if he worked the ten hours?

Mr. MARKLAND. Oh, yes; he is getting more, because he is working all that ten hours every day. He works fifty-five hours a week. Then, if he can manage to make sixty or seventy hours' premium, he gets 12 cents an hour besides his pay.

Mr. HASKINS. He continues at something else?

Mr. MARKLAND. Yes.

Mr. EMERY. Your system, then, is based on your experience in the past plus your judgment of the individual man in the present?

Mr. MARKLAND. Yes. We train them to do the work, to use their heads.

Mr. EMERY. Then the risk you have in taking the contract is the risk of your judgment?

Mr. MARKLAND. It is the risk every man takes in business, but if we cut our day down to eight hours, we have then to increase our shop costs immediately from 35 to 60 cents an hour, because you are losing wear and tear. If we can procure enough work to run twenty-four hours a day, put three forces of men on, it would be better, but you can not do it; you can not get enough work to do it. Look at our present condition. Here we are reduced to 25 men from 40, which means we have increased our C. P. H. to 64 cents an hour; say it is

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65 and 35, that is a dollar, which you have to get in order to come out whole. Then you have nothing left for your profit. You see how expensive it will make it for the Government if you cut it down to eight hours, but we would have split our shop up, some men quitting at 4 and some running on to half past 5. In other words, some making eight hours a day and others ten.

Mr. HASKINS. That would not be generally satisfactory among the workmen?

Mr. MARKLAND. Oh, yes; that is the idea; it disrupts our organization. That is not only in our case; I am speaking for the metal manufacturers. We have had this thing thrashed out in the council meeting—I am one of the councilors—we have gone over the whole situation. I do not recall everything that was said and done, but the consensus of opinion was that it would be a disruption of the plant and you would have the plant standing idle.

The CHAIRMAN. How many hours do you call a day's work?

Mr. MARKLAND. We talk of the pay roll as so many a week—fifty-five hours a week—but of course you would have to compute that, divide it into days, nine and one-sixth hours; but we run ten hours a day and to noon on Saturdays.

Mr. EMERY. I want to ask you a question, Mr. Markland, to emphasize a fact, if it is a fact. Are not the operative and fixed charges in the skilled industries based on hours now and not on days?

Mr. MARKLAND. Oh, yes; you take the hours per week.

Mr. EMERY. Your standard of cost and your standard of estimates is the hour and not the day?

Mr. MARKLAND. We have the men make detailed reports showing the number of hours the men have been working in the shop; that is, putting belts on and doing general odd jobs; we put in the cost per hour every month. I get that report just the same as the report comes to the man every day; the man gets it from the night shift in the morning and from the day shift in the evening. We take our report every month. We figure the juice that is used to light; we figure the gas, the repair hours, and the shop hours, the office pay, the interest on investment; we take all these elements and divide them by the hours the men have worked for the month. We divide the number of hours into the amount of costs or overhead charges, and that gives us what the rate is each month. This six months is established by the six months up to January 1, 1908, say. While our cost per hour for February is 64 cents, it was 54 cents for January. Last year it only amounted on an average for six months to 35 cents, so we are charging cost per hour this six months 35 cents. Unless we can manage by our contracts to get over \$1 an hour, we are losing money. We know that in making our estimates we use six months previous for cost per hour charges against men's wages and material.

Mr. DAVENPORT. What portion of your work is Government work and what portion private work?

Mr. MARKLAND. I was figuring that; it runs nearly 10 per cent.

Mr. EMERY. The Government work is 10 per cent of the total output?

Mr. MARKLAND. It runs 10 per cent; I do not know what it will be this year. So far this year I think that is a pretty fair average.

We have sold quite a lot to Cramps and some to the Government and some to the mint in Philadelphia.

Mr. EMERY. Now, Mr. Markland, in your experience among the members of your association, while the total volume of Government contracts, considered by themselves, is large, the proportion of Government work in comparison with private work done by each member of the association is quite small, is it not?

Mr. MARKLAND. I would not want to say that—I suppose it would be, taking the whole as an average. Some of the plants do considerable work for the Government but taking the whole it would be a very small percentage of their output.

Mr. EMERY. You say it is your opinion that not only in your own plant, but in the plants of the fellow-members of your association, it would be impracticable to take Government contracts for matters not excepted by this act under the stipulations required by it, speaking of this eight-hour bill?

Mr. MARKLAND. The items aimed at in that bill we would not estimate on; we would not bid; we would not want to contract for them, because we would not want to monkey with them. We figure that we are making as low a figure as we can now.

Mr. EMERY. Not only personal relations, but the relations of the members of your association with their employees, are they pleasant or otherwise?

Mr. MARKLAND. Oh, they are very pleasant.

Mr. EMERY. Are the men generally satisfied or dissatisfied with their hours of work or with their pay?

Mr. MARKLAND. They are always striving for more pay, and we are trying to give more pay. There is some talk now, in the falling off in business, of laying off men or cutting off the pay. As an association we do not like to give a man less pay. We figure on shutting off now and laying off a certain number.

Mr. DAVENPORT. If the general depression continues very long, will it not be necessary to cut wages?

Mr. MARKLAND. We shall not. I doubt very much if any of the members of the metal manufacturers will cut wages.

Mr. DAVENPORT. They will not if they can help it, but how on earth will it be helped?

Mr. MARKLAND. Our plan is to do with less men, to cut down the office forces.

The CHAIRMAN. How on earth can the labor cost be kept up?

Mr. MARKLAND. I would not want to undertake to answer that. If you want to go into all the questions, you can find out how it would happen, understanding that at the present time we were in a tremendously successful stage all over the country.

The CHAIRMAN. And had to pay high wages?

Mr. MARKLAND. We have not paid any more than we have been paying right along. Suddenly the demand is cut off, not because of the lack of the demand, but because the people will not buy it and will not use it. They have the same demand; the same immense contracts are under way. They simply stopped in the midst of them. They will not invest money, but there is an abundance of money.

The CHAIRMAN. The supply of money which they had to spend is reduced, and that necessarily curtails the demand?

Mr. MARKLAND. Yes, sir.

The CHAIRMAN. Unless some miracle can be wrought, is it not inevitable that in one way or another the amount of money paid for wages for the production of articles must be lessened?

Mr. MARKLAND. I think it has to be, but we shall not do it, however, by cutting a man's pay.

Mr. EMERY. You can only do it in one of two ways; you can lessen your cost by cutting down the force or by cutting down the individual wages of your force. And you aim to sustain the individual wage, but cut down the number of the men?

Mr. MARKLAND. That is what we propose to do.

The CHAIRMAN. I would very much like to have an economical law of the possibility of cutting down the cost by reducing the number of men unless we assume that the number of men has been redundant.

Mr. EMERY. He has already testified, Mr. Chairman, to a very great loss of business.

The CHAIRMAN. But how are you going to cut down the cost of the articles?

Mr. EMERY. He said the labor cost, the labor entering into the production.

The CHAIRMAN. Very well. You are going to produce 10,000 of something; the world is waiting to know how you are going to reduce the cost per item by reducing your working force.

Mr. MARKLAND. You can not do it; you are going to increase the cost of the item because your same overhead charges are there. We have a certain amount of capital we have to sacrifice. We say, "Jim, we can not employ you; we have not anything to do." Are you going to cut Joe's wages down? No. He comes back next week and we let Joe go. We have his wages, because he is working one week where he was working two.

Mr. DAVENPORT. Suppose I come to you and say, "Now, you have been getting \$2 for your article; I can not possibly afford to pay you more than \$1 for it, and if you can make it for me I can supply the market for it."

Mr. MARKLAND. We had that case.

Mr. DAVENPORT. I am talking about it in a general way. Is it not necessary for you to say to your men, "Now, gentlemen, here it is; we can make this article for a dollar if you will work to do it; otherwise we can not make it all?" What has that man got to say? It is work, or no work at all.

Mr. MARKLAND. That is what will happen.

Mr. DAVENPORT. And I have to accept less wages. It will happen all through this country in everything, will it not, if some means is not devised to restore what you might call "prosperity," the old conditions that existed before the panic?

Mr. MARKLAND. If you come to the place where the man says, "We can buy so many thousands of this article with \$1 where we paid you two," we will either have to do that or something else, but there does not appear to be anything else to do.

The CHAIRMAN. What you have said heretofore of not reducing wages and reducing the number of men has been based on the theory that you could keep the price where it is?

Mr. MARKLAND. That would not do in the other cases. In our business there are only a few of us in the business, but we do not say a man has to come to us because he can go to Frank Burgess in

Boston, but if we have to lay so many men off and cut our plant in half. The price of the gear is \$10. If we do not make so much on that \$10 as we did before we can not help it; that is our loss. We might make 30 per cent in the present case, where we say the price on that gear is \$10. Our cost per hour has gone up to 80 cents, which it probably will be, where it was 35 cents. We are not then getting our 30 per cent. We may be getting 5 or 2 or 1 per cent. That is the chance the manufacturer has to take if we get the eight-hour law.

Mr. EMERY. When you refer to standing a certain loss in the present situation, you refer to one necessary condition in all manufacturing establishments, do you not—that there is a maximum number of men below which you can not permit your men to go or you will lose your organization?

Mr. MARKLAND. Yes.

Mr. EMERY. So you must sustain the number of men to keep up your organization in the hope of future work?

Mr. MARKLAND. I thought I made that clear. We have to keep a certain number of men to keep the gears. The men turn different gears of different sizes; some turn large blanks and some small. We aim to keep a certain force of certain men, or to let some men go some weeks and some other weeks and accumulate work for them on the machines. Of course, in all plants, say Berstein's, not only do they do foundry work for outside people, but they manufacture bedsteads for all over the country, and probably export them. Some men make certain cores in the foundry, and they have to train those men to make them fast enough to meet the demand. They can not afford to lose those men. They have to let some off now and some off later. Anything which adds to the burden, of course, we do not want. We do not want to adopt it if it is possible to avoid it.

Mr. DAVENPORT. Is there a large number of men out of employment in Philadelphia now?

Mr. MARKLAND. In the foundry particularly I do not recall; there are a great number out; I do not know what percentage. Of course, the metal manufacturers comprise not only founders, brass workers, and people in our line of business, but those manufacturing machine tools.

Mr. DAVENPORT. Does it include the Baldwin Locomotive Works?

Mr. MARKLAND. They are not members.

Mr. DAVENPORT. Do you know generally about the conditions there?

Mr. MARKLAND. Yes; they are working on a shorter hour day now.

Mr. DAVENPORT. What is the number of men in comparison with what it was a year ago?

Mr. MARKLAND. I did hear recently of a man who had been there on a contract basis who had so many men under him. They furnish machinery and he takes the contract for so much. He had 300 men, and out of that he has only 25 working in his department. Of course in some departments they are working all night right along, running two or three shifts of men. But that is a very small percentage of the plant.

Mr. DAVENPORT. How many men do they generally employ, do you know?

Mr. MARKLAND. I have heard it stated 12,000.

Mr. DAVENPORT. About how many do you suppose they are working now?

Mr. MARKLAND. I doubt if there are more than 4,000 working.

Mr. DAVENPORT. What are the other 8,000 doing?

Mr. MARKLAND. Looking for jobs all over the country, back on the farms. The same thing holds good in the house servants to-day. To-day you can get them for \$2 or \$3 a week, whereas about eight months ago they were charging \$8, \$10, and \$12 a week, and indifferent about accepting positions at that.

The CHAIRMAN. The factory and the store girls have to have something to do. When they can not get a place at the higher wages, they go into families.

Mr. MARKLAND. The man is going back to the farm. You will find him out there looking for a job.

The CHAIRMAN. To sum it up, then, both for yourself and your employees, the common fund is represented by the particular industry?

Mr. MARKLAND. Yes.

The CHAIRMAN. And the conditions that affect that particular industry affects your power to pay them and to keep a profitable business?

Mr. MARKLAND. Yes.

The CHAIRMAN. So that what seriously affects your power profitably to employ others injures them as much as it does you?

Mr. MARKLAND. Yes.

Mr. DAVENPORT. Mr. Chairman, the first panic I ever knew anything about was that of 1873, and it was not until 1879 that things revived, and all of a sudden everything started with a rush. Have you any idea whether the conditions now are not about the same as they were then? Had not the same thing preceded the coming on of that panic which preceded this, overtrading, overspeculation, the investment of capital, floating capital, building \$17,000,000 railroad stations, and all this, and is there any reason to really expect a restoration of business conditions on a prosperous, sound basis until a long period has elapsed?

Mr. MARKLAND. I think there is; I think we have the work going ahead; work which can not be stopped. I will cite a case. Last fall I went up to New York State. I occasionally take a trip through the country to see the cities where we have one or two customers, and see them all, to see any prospective buyer also. One concern said to me: "We are going to start 30 plants, and we would like to know if you can duplicate the plant which you furnished to another concern, one of our neighbors, not many miles away." I said: "Is it possible you are going to start 30 plants?" They said: "It is not only possible, it is highly probable; we are preparing to that end." I sat down and figured and we came to a conclusion. They said: "Well, we will let you know as soon as we are ready whether we will order the stuff or not." They ordered enough for one plant, laid the ground off for the other plants, showed me the office plants, where they had the men ready to go into business, showed me where they were ready to go into the other lines, which is condensed milk, and they are going to establish the cooling plants at the other places. We have filled the order for the first plant, and the inquiries for the other plants are in.

Another case in Newark in the same line of business, we had an inquiry from last November, citing another case we had supplied, wanting to know if we could supply just such an equipment. He replied with a proposition two weeks ago to send in the order, first inquiring "Is the price any less?" "No; no less; just as much." Back came the order to go ahead. He is building his plant and will have it in operation inside of two or three weeks.

The CHAIRMAN. For what?

Mr. MARKLAND. Condensed milk. Here is the Hires Condensed Milk Company. Saturday he called me on the phone and said: "We want 100 more of those for our plant; how soon can you get them out?" I said: "Two or three weeks."

Mr. DAVENPORT. Is he a man of sanguine temperament? [Laughter.]

The CHAIRMAN. One moment; are you attempting in your answer containing those peculiar conditions existing now and the desire to get into the condensed milk business, to answer the question as to the general business prospects in the country?

Mr. MARKLAND. No.

The CHAIRMAN. The fact is, that that is a very peculiar thing, and a thing by itself; it came without panics. The condition existing in the milk trade is attacked on the one hand as the spreader of bacteria. The milk question in the cities and the dairymen in the country have been in a long fight, and it appears that there is a peculiar opportunity open just now to substitute largely condensed milk for the ordinary milk, and to condense it near the production of the milk. What relation has that to the general business of the country? What is its value here at all?

Mr. MARKLAND. All right. The Pennsylvania Railroad started in with 26 dams and reservoirs in the Johnstown district, to supply from Pittsburg to New York City. There has been no let up; they are following the dams as fast as they can and are now preparing their undertakings for new dams.

Mr. DAVENPORT. They had their money all arranged for before the panic. Now, the conditions in Mr. Rainey's district, everybody will tell you that crops are good and things will be good. I remember in 1873 in his district that they were burning corn.

Mr. MARKLAND. I remember reading of it. At the same time new undertakings are going on at Denver, and at Syracuse, which represent millions of dollars; not a few hundreds or a few thousands. The Syracuse affair is a water proposition and runs into two millions and a half. The Denver affair is probably \$3,000,000. Take it in the Far West, clear to the coast; there are some tremendous undertakings going on, and these all require machinery, clothing, everything in the markets. I do not see any reason why, in the next six months, business should not resume the proportions it was in last year.

Mr. HOLDER. Is not the question largely determined by the surplus stocks on hand?

Mr. MARKLAND. There are no surplus stocks on hand.

Mr. HOLDER. You have no stock?

Mr. MARKLAND. We have no stock; we are now doing our best to make stock to carry along the men we have, simply to catch up. We are doing our best now to catch up with the stock. The big stores and the big warehouses have no stock.

Mr. HOLDER. They have nothing to sacrifice?

Mr. MARKLAND. No.

Mr. HOLDER. And for that reason you do not have to reduce wages and prices?

Mr. MARKLAND. No.

Mr. HOLDER. Good.

Mr. MARKLAND. I see the condition; I know I am satisfied. I am willing now if I had more money to invest. I know the conditions are going to be good. So much is undertaken and it is half done, and the concern can not afford to let that matter go unfinished.

Mr. DAVENPORT. I wish you would go up and address the manufacturers of New England along that line. They need encouragement along those very lines.

The CHAIRMAN. In view of this latter statement, Mr. Emery, what is the talk about slack work reducing the number of men? What place has that in the record at all?

Mr. EMERY. I did not start that discussion. Those were certain economical inquiries naturally suggested by some of the evidence that has been brought out.

Mr. DAVENPORT. I would suggest that I have some misgivings.

The CHAIRMAN. But away back I thought we had a statement of slack times and the probability of laying off part of the men.

Mr. EMERY. Mr. Markland testified as to reducing his forces and the forces being reduced throughout the association. I think there is no question about that.

Mr. MARKLAND. I simply wanted to say that along with the reduced forces we also are compelled to reduce our working time to eight hours a day. We are going to increase what most shops call their overhead charges, but which we call the c. p. h., the cost per hour.

Mr. EMERY. Then you hold that all the argument that can be made against a proposition of this kind under normal conditions is strengthened and increased by the circumstances presently existing to which it would apply?

Mr. MARKLAND. Yes, sir.

The CHAIRMAN. But I understood the gentleman to say in the earlier part of the testimony that there was a slack condition in trade; production must be reduced.

Mr. EMERY. No; reduced.

The CHAIRMAN. Or is reduced; that we are going to do it, however, by maintaining the price of the article and reducing the force rather than reducing the wages. I understand, now, in the latter part of the statement, that they are rushed for the supply.

Mr. MARKLAND. That was not the interpretation to be put on the remarks.

Mr. HOLDER. The gentleman referred to an order that had just been sent to him that they wanted rushed, and he could not supply them inside of two weeks. That was some special order.

Mr. MARKLAND. No; what Mr. Gardner spoke of, what I did say, was that we are doing our best to fill our stock again. We have so many orders which run from 2,000 to 2,046; that comprises gears from 20 inches.

The CHAIRMAN. Just put in the record what you mean by a gear.



Mr. MARKLAND. There is an illustration of it [indicating card], that wheel, with the teeth around it, the gear wheel, the cogwheel. The gear wheel is where the metal is cut away, leaving the protuberances on the surface on the periphery of a piece of iron.

Mr. HOLDER. But the general layman understands the gear wheel to be the cogwheel?

Mr. MARKLAND. He calls it a cog wheel. You see there the outline of a gear, except this one space not cut [indicating on card].

(Thereupon, at 4.10 o'clock p. m., the committee adjourned until to-morrow, March 17, 1908, at 2 o'clock p. m.)

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SUBCOMMITTEE ON LABOR No. 1,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, March 17, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) presiding.

Mr. EMERY. Mr. Chairman, I want to present to the committee Mr. Frederick Job, who is the president of the Chicago Employers' Association, one of the largest bodies of employers in the United States.

**STATEMENT OF MR. FREDERICK JOB.**

Mr. Job. In Chicago we have what is known as the Chicago Employers' Association, which has several thousand members, and several dozen associations comprising subassociations, comprising various organizations, such as the packers, the dry-goods organization, the hotel-keepers' organization, the steam laundries, the dyers' association, the retail coffee dealers' association; and the railroad general managers are not directly connected with our association, but are closely affiliated with us, and I think it is safe to say that our members employ around 200,000 men, in one way or another. Our organization stands for the principles of the open shop, no limitation or restriction to output, observance of the law, and a few other things of that sort, and it obeys the law and asks that the organizations of labor do the same thing.

They have asked me to come down here and not impart much information on the subject, but to perhaps come back with some on the subject of this proposed eight-hour law. To begin with, most of the employers whom I have seen, including our directors and the executive committee, seemed to think that this was like the 1892 proposition as to work that the Government does itself, and when I read the law to them they were very much surprised, all of them, and I am not quite sure that some of them yet are certain as to what it comprises and includes. However, the people are divided there, as a general thing, as to which disastrous turn affairs will take if this proposed law should be enacted. Some of them are very emphatic in declaring that there is no question but that a ring would be formed of men who engaged only in Government work and ran on the eight-hour proposition, and that the Government would, as is usual when the work is in the hands of a small number, pay the bill, which would be large. Other manufacturers seem to think that

no one could afford to run the risks of such a vague and ambiguous law as this seems to be, and it would result in the Government doing its own work, and they of course point to the fact that that is leading in the direction of socialism and municipal ownership, which in the cases where we have tried it in Chicago has been a failure.

I came down on the train from New York last night with one of our largest ornamental ironwork men, Mr. Winslow, of Winslow Brothers, and I asked him what he thought of it, and he shook his head and said he thought it was awful, and he wanted to have a chance to tell the committee what he thought of it. He said he did not think that the Government could afford to pass such a bill and have it on the statute books, because he said it would result in a small ring that would bleed the Government, and he had been reading the bill over, and he could not make heads or tails of it himself. I did not call his attention to some of the comments that have been made on this bill in past years, but he said that Government work was so restricted and inspected and limited and special at present that he and his firm had been getting out of it from time to time. I called his attention to the fact that we are quite concerned there in Chicago in the Government work, because as you know the Department of the Lakes is important, and a great many of the army and navy supplies are purchased in our market. We have Fort Sheridan also on the north, and the training school and large iron industries there on the south, and between the two, in the middle part of the city, the stockyards that supply the American canned beef and other supplies for the Army, and a great many of the shoes and blankets are procured in Chicago. My experience and my investigation among people who are concerned in those articles was that they in the first place could not tell whether their goods would be accepted or not. They seemed to feel, however, that it would be unsafe to tackle the proposition at all. I have tried to get some light on the subject since coming here, and I am really unable to do so. I find in a previous hearing that one of the assistants to the Solicitor-General of the United States refers to the fact that the provisions of the law are vague, very vague; and if they are vague to a man who is a lawyer and is supposed to know what a bill means, I do not know what the average manufacturer is going to do or where he is going to "get off." I am told that it all hinges on this troublesome part of the exceptions to the bill, and I do not know but that the proposition of selling beef to the Army, if you please, might not be stretched under a construction of this section 2 to a point where the ranchman out West who raises the cattle could not work his men over eight hours a day. I see that in one place in a previous hearing on this bill Mr. Hanger, Acting Commissioner of the Department of Commerce and Labor, asks what would be comprehended under supplies in the expression "purchase of supplies by the Government." He says "Would the bill as now drawn apply to contracts, for example, for powder and food for the Army and Navy, and other things such as cards and paper," almost all of which we have to sell more or less to the Government in Chicago—packing boxes, and so forth. I do not know what to say on that subject to the employers in Chicago when I go back. It refers to materials and articles such as may usually be bought in the open market, whether made to conform to particular specifications or not. Now, there was a class of articles that

was not usually bought in the open market during the Spanish war, I believe, that was supplied by Chicago. Of course in time of war that may be waived, I believe, or when war is imminent.

Mr. EMERY. Among your members are there large suppliers of shoes to the Army and Navy?

Mr. JOB. Yes, sir. There is one firm, Sells, Schwab & Co., which supplies a large number of Army shoes. I asked Mr. Schwab before leaving Chicago whether his shoes were of the kind usually bought in the open market, and he said not at all, those sold to the Government.

Mr. EMERY. They are made to conform to special specifications?

Mr. HASKINS. Those shoes are all made under contract?

Mr. JOB. I do not think they are always. Yes; I think they are specified in the contract. I do not think they buy them in open market.

Mr. HASKINS. No.

Mr. JOB. He was very much concerned over the question where he would "get off" if this bill became a law. The packers are also quite concerned about it in Chicago. Everywhere there is a grand chorus goes up from everybody "If we can get work for men now, let us let them work over eight hours if they want to." Another thing that is touched upon by a great many men, and which was discussed at our special committee meeting of our association last Thursday, was this: They said, "Why, we have not a man in our employ who is the head of a department to-day who, as a man or as a boy in previous years, was a clock watcher, or would not work a little overtime if we wanted him to." And they say, "It is the Government's proposition that we shall not work over eight hours." I guess all the members of this committee work more than eight hours.

Is it a step in the right direction to limit a man to working only eight hours? Of course the old question of mixing up different businesses in the same factory is an important one, which they all touch upon and refer to, and they emphasize that it is impossible to mix up Government work with other work. You can not have one man quitting at the end of eight hours and another man working nine or ten hours, when it is absolutely prohibited. I am at quite a loss to understand where the law would land us, if this became a law, whether it would be constitutional or not if it were passed, and whether it would not result in the contractors forming a ring for Government work and charging accordingly; and if that were done and they had men who were protected by the United States in not being permitted to work over eight hours, would it not result in a combination such as exists in various parts of the country between the journeymen and the master plumbers, who find themselves in such a cast-iron union, particularly in Chicago, I am ashamed to say, that they have formed an offensive and defensive alliance, and a man can not by any means break into the plumbing business in Chicago? If a man comes there from Joliet or Milwaukee or any other town nearby, and attempts to go into the plumbing business, he might as well make an assignment to his creditors at once. I do not mean to say that the employers are quite as bad as the unions, but the unions have led them into that predicament. I can just close my eyes and see that kind of a thing getting up on Government work. We are all of us only human, and there is the same kind of a streak and character in all of us.

Not only that, but in Chicago you could not buy a piece of plumbing goods in Cincinnati and have it put into your house. There is a large house-wrecking concern there that buys up secondhand material, secondhand bath tubs, and things of that kind, and no plumber will touch that stuff. A regular journeyman plumber would not work on it to install it in your house. It looks to me as if that might be one result if this bill becomes a law, and I think you would find that you would limit the competition for Government work very materially. I think it would be in a ring of a small class of men who would undertake it, and if they did not the Government would do it itself; and while I guess I am as loyal a subject and citizen as anybody, I can not help but see, in Chicago and elsewhere where the various municipalities take hold of things and attempt to do them, how poorly they do them. In our town the Pinkerton detective people have offered, for one-half or two-thirds of our annual police expenditure, to police the town, and they have offered to put up a bond to police the city twice as well as it is now being done. Numerous offers have been made to undertake the waterworks proposition. Of course that comes back to the municipal ownership proposition, and it seems to me that this bill is pointing very strongly in that direction, in the direction of socialism and municipal ownership.

The CHAIRMAN. Government ownership, you mean?

Mr. JOB. Government ownership, yes, sir; practically the same thing. Of course it would at the present time embarrass irretrievably, almost, and most disastrously, thousands of plants which are now prepared to take any kind of work that comes along, and they will have to do like Winslow Brothers, which firm has in the past, up until recently, done work that went into the Government business. I do not know that I have anything more particularly to say, except to ask for light on the subject from this committee from time to time as things come up in this matter, so that I can inform our people at home, and to say that we are first, last, and all the time opposed to this proposition. I think the manufacturers and employers of Chicago are to a man opposed to it. I think now is a good time to let bad enough alone, and we are having bad enough times right now in Chicago, as I believe you are now in this neck of the woods also.

Mr. EMERY. Would you say in reference to your experience in Chicago that the practice of men working overtime for overtime pay is general or the exception?

Mr. JOB. It is quite general.

Mr. EMERY. Would you say in the industries represented in your association that the men seek overtime and overtime pay, or avoid it?

Mr. JOB. They seek it, decidedly. They all want the extra money. Even in the bookbinding industry, which is one of the industries which has lately gone on the eight-hour basis, that applies. I came over on the train from New York with Mr. Brock, of Brock & Ransom, a bookbinding concern, and I asked him how they were getting along on the eight-hour proposition, and he said "Pretty good, but I am against it." I said to him, "Do your men work over eight hours?" He said, "Oh, yes; about half the time they do. We pay them time and a half for overtime work."

The CHAIRMAN. The eight-hour day, then, results simply in an increase of wages; is that the idea?

Mr. JOB. In Chicago?

The CHAIRMAN. Yes.

Mr. JOB. Yes, sir; it has resulted in increased wages. I think we will all agree that if we can ever reach that theoretically Utopian time when we have eight hours for play, eight hours for work, and eight hours for sleep, it will be a very desirable condition; but I question whether we are ripe and ready for it here now.

Mr. DAVENPORT. Do you think the time will ever come when men will work only eight hours and can afford to throw away all their time over eight hours in sleep or in play?

Mr. JOB. No; I do not think so.

Mr. DAVENPORT. Men who have families to support?

Mr. JOB. No; and I do not think the men want it. I said a moment ago that probably every man in this room works more than eight hours. We will assume that we are all more or less successful in the world. I know how I did it; I did it by working overtime. I was a farmer, Mr. Chairman.

The CHAIRMAN. Please explain to me how you count overtime on the farm.

Mr. JOB. I do not know how you count overtime on the farm. I can really, Mr. Chairman, see how the farmer might be affected. You may not know it, but we have the largest handlers of canned goods in the United States in Chicago, our retail grocers, and a large quantity of those goods are supplied to the Government. Also a large quantity of our truck farming is done up in the northern part of our county, which is coextensive with the city and joins onto Milwaukee, almost, for the Fort Sheridan soldiers, and I can conceive where even the truck farmer might be affected by it, owing to the special packing and the special way of getting things out; because any man who is asked about Government work immediately stops, pauses, and then says: "That is special; that is unusual. I will either make a lot of money out of that or I will not touch it with a 10-foot pole;" and usually they do make a lot of money out of it if they touch it, or they are said to do so.

Mr. EMERY. In your case would it not be also true, if the present bill applies to such a condition, that the tendencies of such legislation are to add additional matters of contract to those presently excepted?

Mr. JOB. It certainly would. I do not know, but I am told by the lawyers that if this bill was enacted there are serious constitutional objections to it, and it would probably be annulled; but I suppose the committee has had the opinions of experts on that subject.

The CHAIRMAN. The difficulty about the committee giving light on the subject is this, that as soon as the committee dares to make a light, these attorneys declare it is a false light, and blow it out.

Mr. JOB. No matter what it is, I suppose. Well, gentlemen, I really would like to have you understand that I have got a serious thing on my shoulders, and I undertake to speak for all of the employers of Chicago. On the ordinary labor matters I am pretty well versed, but on these other matters I am not so well versed. I do know something about strikes, because we have them there. As I said before this committee three years ago, at that time during the year just past, we had over 1,700 strikes in Chicago, which was the fact.

Mr. EMERY. Among the strikes you have had experience with in Chicago during the years you have been in charge of the association,

have you ever known a strike to prevent men from working overtime for overtime pay?

Mr. JOB. No; they are always willing to do so.

Mr. EMERY. Did you ever know of a strike to secure a rigid number of hours to constitute a day's work, without any overtime permitted?

Mr. JOB. No; we have never had the question involved at all. I think, myself, that if laborers could voice their sentiments, perhaps, not through their business agents or walking delegates, but if they knew they were going to be limited to eight hours only in any line of work, and they were permitted to speak for themselves, they would oppose it as violently as the employers do. I am not boasting about our labor conditions in Chicago. When I appeared here three years ago I stated that we had had over 1,700 strikes, which was once for every time they sat down to a meal, once for every time they went to bed, and once extra.

Mr. HASKINS. Do you think they would have any serious trouble about strikes if there were not any labor agitators and walking delegates in the country?

Mr. JOB. I think it would be minimized. But on that subject I want to say this: I was on the State board of arbitration two years, and for six years I have been the so-called walking and talking delegate of the Chicago Employers' Association, and it has been asked many times what is the solution of the labor proposition, and I have been very prompt to say that there was no solution; that is, if there was not a right to organize on both sides, it would be like the pool of water which has no waves tossing it and no motion in it. Anything that has no life disintegrates, and as long as we are human there are bound to be organizations on both sides. I do think, however, that the labor organizations have had more than their innings in the recent past. I will not detain you longer, gentlemen.

At 3.15 o'clock p. m. the committee adjourned until to-morrow, Wednesday, March 18, 1908, at 2 o'clock p. m.

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SUBCOMMITTEE ON LABOR No. 1,  
HOUSE OF REPRESENTATIVES,  
*Wednesday, March 18, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. DANIEL DAVENPORT, OF BRIDGEPORT, CONN., REPRESENTING THE AMERICAN ANTI-BOYCOTT ASSOCIATION.**

Mr. DAVENPORT. Mr. Chairman. I want to direct the attention of the committee more particularly than has been done heretofore to a radical vice in this bill. It provides that in every contract entered into on behalf of the Government, of the District of Columbia, and of the Territories there shall be inserted a certain provision, and then proceeds to except from its operation a large number of contracts and articles which, but for the exception, would come within its provisions. There is no difference in reason discernible for the requirement that in the classes of articles and contracts not excepted no one should be permitted to work more than eight hours in any calendar

day, while in the classes excepted men are permitted to work more than eight hours in any calendar day. No distinction is attempted on the ground of difference in sanitary or any other conditions of employment in any of the classes. The classification is entirely arbitrary and apparently whimsical. Such legislation is condemned by all the authorities, and this whether there is an express constitutional prohibition of it or not. When speaking upon this subject Judge Cooley says:

The doubt might also arise whether a regulation made for any one class of citizens entirely arbitrary in its character and restricting their rights and privileges or legal capacity in a manner before unknown to the law could be sustained notwithstanding its generality. Distinctions in these respects must rest upon some reason upon which they can be defended, like the want of capacity in infants and insane persons; and if the legislature should undertake to provide that persons following some specified lawful trade or employment should not have capacity to make contracts, or to build such houses as others were allowed to erect, or in any other way to make such use of their property as was permissible to others, it can scarcely be doubted that the act would transcend the due bounds of legislative power, even though no express constitutional provision could be pointed out with which it would come in conflict. To forbid an individual or a class the right to the acquisition and enjoyment of property in such manner as should be permitted to the community at large, would be to deprive them of liberty in particulars of primary importance to their pursuit of happiness; and those who shall claim a right to do so ought to be able to show specific authority therefor instead of calling upon others to show how and where the authority is negated. (Cooley's Constitutional Limitations, 6th ed., p. 484.)

The Supreme Court of the United States, in the case of *Dent v. West Virginia* (129 U. S., 123), in discussing what is embraced in the terms "due process of law," made these remarks:

As we have said on more than one occasion, it may be difficult, if not impossible, to give to the terms "due process of law" a definition which will embrace every permissible exertion of power affecting private rights and exclude such as are forbidden. They come to us from the law of England, from which country our jurisprudence is, to a great extent, derived, and their requirement was there designed to secure the subject against the arbitrary action of the Crown and place him under the protection of the law. They were deemed to be equivalent to "the law of the land." In this country the requirement is intended to have a similar effect against legislative power—that is, to secure the citizen against any arbitrary deprivation of his rights, whether relating to his life, his liberty, or his property. Legislation must necessarily vary with the different objects upon which it is designed to operate. It is sufficient, for the purposes of this case, to say that legislation is not open to the charge of depriving one of his right without due process of law, if it be general in its operation upon the subjects to which it relates, and is enforceable in the usual modes established in the administration of government with respect to kindred matters—that is, by process or proceedings adapted to the nature of the case.

The great purpose of the requirement is to exclude everything that is arbitrary and capricious in legislation affecting the rights of the citizen. As said by this court in *Yick Wo v. Hopkins*, speaking by Mr. Justice Matthews: "When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power."

And examination of the provisions of the proposed bill (H. R. 15651) will disclose that they are discriminatory without just cause against certain lines of employment, and deprive the workmen therein of their right to work overtime for overtime pay, while at the same time they permit workmen in other employments contemplated by the bill to work such overtime for overtime pay. In this connection I would also call your attention to the case of *Lowe v. Rees Printing Company* (41 Nebraska, p. 127), where an act of the legislature of the State of Nebraska, which provided, in effect, that for all

classes of mechanics, servants, and laborers, excepting those engaged in farm or domestic labor, a day's work should not exceed eight hours, and that for working any employee over the prescribed time the employer should pay extra compensation in increasing geometrical progression for the excess over eight hours (the rate of payment for the eighth being taken as the basis upon which to reckon such progression), was held to be unconstitutional because discriminatory against such farm and domestic laborers.

In the course of the opinion the court quoted from the language of the supreme court of Illinois in *Braceville Coal Company v. People* (147 Illinois, 66), as follows:

There can be no liberty protected by government that is not regulated by such laws as will preserve the right of each citizen to pursue his own advancement and happiness in his own way, subject only to the restraints necessary to secure the same right to all others. The fundamental principle upon which such liberty is based in free and enlightened government is equality under the law of the land. It has accordingly been everywhere held that liberty, as that term is used in the Constitution, means not only freedom of the citizen from servitude and restraints, but is deemed to embrace the right of every man to be free in the use of his powers and faculties, and to adopt and pursue such a vocation or calling as he may choose, subject only to the restraints necessary to secure the common welfare.

#### STATEMENT OF MR. J. A. EMERY.

Mr. EMERY. Mr. Chairman, owing to local occurrences which have made impossible at this time the appearance of delegations from the Employers' Association of Minnesota and the Employers' Association of Kansas City, I am asked to present to the committee their special protest against this proposed measure.

The former association comprises over 700 of the largest employers of the State of Minnesota, engaged in various lines of industry and construction. They are employers of many thousands of laborers and mechanics, and many of their members have been, are, and hope to be contractors with the Government of the United States or its Territories.

The latter association is composed of several hundred employers of Kansas City, engaged in various industries and numbering among their members many who were in the past and at present are in contractual relations with the United States, and under reasonably favorable conditions desire to continue the relation.

Members of both associations, however, after careful consideration of this proposed bill, are of the opinion that the bill is illegal and unjust in its attempt to regulate the conditions of private employment through the instrumentality of a Government contract. They emphatically protest against the attempt to restrict complementary and reciprocal rights of the employer and employee, the one to purchase the other to sell labor, subject only to those reasonable conditions placed by the Government in the protection of public health, safety, and morals. They deny the right of the legislative department of the Government to regulate either hours or wages in purely private employment, although the subject-matter of their productive activity may incidentally be articles, materials, or supplies which are being made for the Government, but are the exclusive private possession of the individual firm or corporation engaged in their production, not only until their completion, but until their delivery and acceptance by the United States. These associations, speaking from the



experience of their members in practical industry, declare it to be impracticable and impossible to conduct any portion of their establishments under one schedule of hours on the subject of Government contracts and on another and different schedule of hours on commodities for private consumption. They further declare that in the great number of their industries the hours of labor are now in excess of eight hours, or where, in particular departments of construction, eight hours is the prevailing standard of time, it is with the privilege of overtime, which is frequently required, and they know of no agreement between employers and organizations of labor, or between employers and individuals, which provide in any department of labor for fixed and rigid hours of labor without the right or privilege of working beyond the standard day as occasion may permit or necessity require.

They further object to the language of the bill as vague, indefinite, and ambiguous, the meaning of the term "supplies" in the exceptions provided from the operation of the bill being uncertain without some arbitrary limit being established, and the term "open market" used in conjunction with the phrase "materials and articles" making the restrictions upon the contractor uncertain and involving him in serious risks in the acceptance of the provided stipulations. The emergency provisions are, moreover, of such a character that they do not provide for the practical necessities of industry, while the extent of the application of the law is so uncertain as to make it impossible to presently ascertain whether the bill will apply to public buildings and the materials provided therefor or not. Thus the public contractor will be placed in a position of serious, but uncertain, risk. Moreover, these associations object particularly to the policy established by the adoption of this measure. It seems to them to pass wise limits of economic legislation and to unduly intrude arbitrary Government regulation in private business relations, to the discouragement of industry and the embarrassment of manufactories. It begets a reliance upon legislation as a panacea for all human difficulties, and suggests a temptation to seek to overcome the defects of character and the difficulties of ordinary commercial, social, and industrial relations by the interposition of statutes.

The belief in statutory law as a sovereign remedy for all social ills is not natural to our people; it is not born in them, but may rapidly be acquired if once the precedent of continuous appeal to legislation to cure social ills is established. There can be no more serious danger to the future of our Government than that which precedes a carefully nurtured belief that human difficulties can be removed by political machinery, and that to make men sober, industrious, wise, healthy, or moral it is only necessary to pass a law and thus correct the defects of social systems and the natural inequalities of human life and satisfactorily adjust the daily relations of human beings. From this standpoint these associations consider such proposed legislation to be a direct encouragement to the development of paternalistic tendencies in the administration of Government and socialistic desires on the part of its people.

Thus believing, we do most earnestly protest against the favorable consideration of such a measure.

(Thereupon, at 2.30 o'clock p. m., the subcommittee adjourned until to-morrow, Thursday, March 19, 1908, at 10.30 o'clock a. m.)

## EXHIBITS FILED MARCH 18 AS PART OF RECORD.

Mr. RAINEY. An interesting article on the subject of shortening the industrial day appeared in the *Nation*, of Berlin, for September, 1906. The article is written by Robert Schultze, a writer on economic subjects. The article has never been translated so far as I know. During the past year frequent references have been made to it by magazine writers in this country, and occasionally short extracts from it have appeared in American newspapers and magazines. I have had the same translated by Mr. W. B. Schulz, who is at present employed in the Library of Congress and who is in every way qualified to make an accurate translation. I have the translation here and ask that it may be inserted in the record.

## THE SHORTENING OF THE INDUSTRIAL WORKDAY.

In the realm of social politics discussions of the economic value of a shortening of the industrial workday have for years enjoyed a wide range. In this connection the question of a shortening of the workday by legislation or by free agreement is especially much debated.

As is well known, England blazed the way in the establishment of a legal shortening of the workday by decree of Parliament as early as 1847, prohibiting the work of women and children in English spinneries for more than ten hours. This regulation soon tended to benefit the male workers also, since a limitation of woman and child labor naturally resulted in a shortening of work hours for the men. Fears which were entertained that such a decisive act of legislation would drive the industries concerned from the competitive field in the markets of the world failed to materialize; it rather resulted in the physical and intellectual uplift of the English workers, and in an increase of performance.

In consequence of the example set by England, other countries began to give serious attention to the abridgment of work hours. Thus, Switzerland introduced a maximum workday of eleven hours in 1877; Austria in 1885. By the factory laws of 1897 Russia established a day of eleven and a half work hours. In South Australia, New Zealand, and Victoria the eight-hour workday has almost everywhere been introduced.

According to the laws of 1848, 1892, and 1900 France adopted a twelve-hour day as the limit for all laborers over 18 years of age. In the case of women and children, however, and of such of the male workers cooperating with them, the daily hours of work can not exceed ten hours. The present French minister of commerce, Mr. Doumergue, has now a project of law in preparation designed to establish a universal ten-hour day. A transitional proviso is appended, according to which the actual hours of work can not exceed eleven hours after the law has gone into effect; and furthermore, that after the expiration of two years the hours of work are to be reduced to ten and a half hours, and upon the expiration of another two years to ten hours.

The French socialists, too, agree to this project of law, without, however, receding from their fundamental demand for an eight-hour day. In *Humanité* of the 11th of August, of the year, Louis Revellin calls the presentation of this bill a "great merit" of the minister of commerce. At the same time, however, he voices the demand to extend the law to cover the employees and workers in industrial lines, and to embody strict regulations, in order that the ten-hour day might be actually observed.

The hours of work in Germany were still very long in 1850.

In a lecture Ernst Abbe remarks casually that his father, a master spinner in Eisenach, often worked for fourteen, fifteen, and even sixteen hours per day when business was good without a noon-hour recess. When a boy five or six years of age the later manager of the optical works of Carl Zeiss, in Jena, carried his father's dinner to the workshop day by day, his younger sister alternating, and waited there while his father devoured his meal in hot haste, leaning meanwhile against a machine or crouching by the side of some box, to return at once to his work. Toward the end of the fifties and the beginning of the sixties the hours of work in those spinneries were reduced to twelve,

and finally to eleven hours, with a noon recess of one hour, affording time to the workers to go to their homes for the noon meal.

Generally speaking, conditions were rather disagreeable near the middle of the past century. In some industries workdays of sixteen to eighteen hours' duration obtained—thus the bakers of Berlin are said to have worked throughout the year eighteen hours per day with few recesses and only occasionally a Sunday off—and it must be looked upon as almost an exception when a concern like Meyer's cane factory, in Hamburg, whose managers were known for their sociopolitical insight, had introduced a twelve and one-half hours' day during the summer season and one of eleven and one-half hours' duration in the winter.

The act for the protection of workers, effective in Germany in 1891, limited the workday for female workers to eleven hours, with the additional sanitary considerations demanded them. Already in 1904 the centrum had introduced an interpellation in which a shortening of the regular work to ten hours was demanded for all factory workers and related trades over 16 years of age. Against such a limitation by law of the maximum of work hours in the day, the Zentralverband deutscher Industrieller protested energetically May, 1906, as follows: "This would advance the socialistic demand for the establishment of a universal maximum workday for adults, a demand hitherto opposed by the federated governments, and in the end greatly imperil the present economic system."

Other associated interests, too, were in opposition to the projected establishment of shorter work hours, even where it concerned the work of women. Thus, *f. i.*, the "Zentralverein deutscher Kautschukfabriken" petitioned the reichskanzler in a memorial presented June 30, 1903, to desist from the enactment of such regulations, declaring the shortening of the workday to be impractical.

The book of the Oxford professor, Arthur Shadwell, which appeared several months since, furnishes ample material for instituting comparisons as regards the hours of work in the three chief industrially competing countries, Germany, England, and the United States of America.

The author of the work referred to has with marvellous thoroughness collected the most ample material to enable one to understand the economic situation of the workers in these countries.

Of course, a really exhaustive study on the subject was out of the question, because of the amplitude of the matter in substance and in detail.

Undoubtedly the hours of work are shorter in England than in the United States of America or Germany. Normally, the hours of work per week in England, according to Shadwell, embrace fifty-three to fifty-five hours. Exceptions to this rule rarely occur and then only to the extent of one or two hours more per week. Accordingly, the average hours of work per week consist of fifty-four hours, *i. e.*, nine hours per day. But, we have it as a peculiar feature of English labor conditions that the workers regard Saturday afternoon as a half holiday. Hence, while ten hours of work fill the first five days of the week, Saturday has but four.

According to Shadwell the difference between the hours of work in England and in Germany is no longer so pronounced as many seem to think, in spite of the fact that many German industrial entrepreneurs stand committed against a reduction of the hours of the workday, being actuated by the same fears as the "Zentralverband deutscher Industrieller," that it would be prejudicial to their interests in the competition of the world's markets.

According to the lists prepared by the Hirsch-Duncker industrial associations, which, however, comprise only sections of the German empire in each case, the hours of work for metal workers in 460 localities comprised:

Less than 10 hours in 31 localities=7.0 per cent.  
 Less than 10 hours in 269 localities=58.5 per cent.  
 Less than 10 to 11 hours in 66 localities=14.0 per cent.  
 Less than 11 hours in 62 localities=13.5 per cent.  
 More than 11 hours in 32 localities=7.0 per cent.

As seen from the comparison here made two-thirds of the workers were employed for ten hours per day, while some had even shorter hours. Other investigations confirm the statistics substantially as given. Therefore, we may adopt Shadwell's opinion that the average workday in Germany exceeds that in England by one to one and one-half hours, but that the tendency is to still further reduce the extent of time in Germany.

Conditions in the United States show the greatest variations. There a difference of from forty-eight to eighty-four hours per week exists in the working time of laborers. Even in industries of the same kind different work hours occur. It may, however, be stated as a fact that the movement looking toward a reduction of excessive duration of work hours has gained strength within recent years. Thus it was ascertained that in Massachusetts, where the investigations covered 44,606 workmen, in 1903 only fifty-four to fifty-nine hours per week were the standard in important industries. The average, as will be noted, was accordingly only slightly in excess of that in England. Very comprehensive statistics are given by the Commissioner of Labor in his annual reports on wages and hours, on wages paid in the United States, and equivalent hours of labor. The summaries given show likewise that in many branches of industry the daily extent of the working time is being gradually reduced. Thus, in the report for 1904 a general survey is given showing that for all industries the average work time per week had been reduced 4.1 per cent during 1890-1903.

A factor of great importance is found in the fact that, according to Shadwell's comprehensive studies, American workmen are compelled to work harder than English or German workers in like circumstances. The hurry and excessive exertion entailed are consequentially a main reason why American products frequently lack superior finish. Comparing the hours of work in the three countries, the Oxford professor arrives at the following results: Shorter hours of work turn out to be an advantage for England if the hours are really utilized in intensive work. The point here is to secure the full benefit of the hours of work. In Germany the problem is how to achieve a shortening of the work day without diminution of performance. To the American union, on the other hand, is confided the task of making possible improvements in the quality of products without decrease in the volume of the work accomplished.

\* \* \*

Two questions seem to hold the fore in discussions pro and con regarding a shortening of the industrial workday: To what extent is it possible to balance a diminution in the hours of labor by intensified production, and does the greater exertion called for entail a more rapid waste of physical powers? In general, sentiment rather than experience will play a part in judging the relative importance of all points to be considered. Among the few who sought to find by exact investigation a satisfactory solution for these important problems we would name before all others Ernst Abbe (+ 14. Jan., 1905), the manager of the optical works of Carl Zeiss, in Jena. The results of his methodical studies have been made the basis of two lectures on the economic importance of a shortening of the industrial workday. These were delivered before the Staatswissenschaftliche Gesellschaft zu Jena, on November 6 and December 5, 1901, and have very recently appeared in print from the shorthand notes then made, in the third volume of the "Gesammelte Abhandlungen von Ernst Abbe." As is well known, the optical works of Carl Zeiss in Jena were among the first to reduce considerably the hours of labor, thanks to the great socio-political insight of Ernst Abbe. Originally lasting 11½ hours, the workday in these works was reduced until 1891 to nine hours, the arrangement lasting till the spring of 1900. The question of a still further reduction of time coming up for renewed discussion, the management declared its willingness to introduce the eight-hour day if at least three-fourths of all their adult employees should declare for it by secret ballot. The consideration was that all wage-workers would in future receive the same compensation for eight hours' work as for the former nine hours' work, but that all compensation for piece or contract work should remain unchanged, the expectation being that all the workers affected would succeed in producing a like quantity in the eight-hour day as in the former nine-hour day. The change was accepted by the workers not only with a three-fourths majority, but with a six-sevenths or seven-eighths majority. Already before the end of the first year, set aside for the trial of the new system, it was ascertained by way of estimate that neither a diminution in performance had taken place, nor that the workers had been worked to excess, not even the older men.

The statistics on this subject are very instructive. On the basis of detailed wage tables it was made possible to compare the wages of the individual workers in the eight-hour day with those received last year in the nine-hour day. Persons so situated that an unbiased comparison could not be made are not included here. The investigation was confined to such persons who in the year preceding the establishment of the eight-hour day were at least 21 years of age and had

been employed at least three years; therefore well trained to the work. Altogether 233 workers were investigated. Comparisons made yielded surprising results:

Year.	Total number of hours of contract work.	Compensation.	Earning power per hour.
1899-1900.....	* 559,169	Marks. 345,899	Pfennigs. 61.9
1900-1901.....	* 509,559	Marks. 306,484	Pfennigs. 71.9

\* Average per man, 2,400.

† Average per man, 2,187.

These figures show that the hourly earnings increased in a proportion of 100 to 116.2. If the increase had occurred in the ratio 100 : 112.5, or 8 : 9, the meaning would be that the workmen had earned in the eight hours exactly as much as in the nine hours, and that they had produced the same output, since the rules of contract work had remained unchanged. Since, however, the increase was 100 : 116.2, it was clear that the day's performance had even increased  $\frac{2}{3}$  per cent, i. e., one-thirtieth per cent, more than the former limit of performance.

The increase is pretty evenly divided among the various groups by age of the laborers:

Age.	Number of persons.	Average age.	Average years of service.	Average earning capacity per hour.		Percentage.
				Nine-hour day.	Eight-hour day.	
				Pfennigs.	Pfennigs.	
22 to 25.....	34	23.5	5.5	55.3	65.2	100:117.9
25 to 30.....	69	27.3	7.9	62.2	72.0	100:116.7
30 to 35.....	69	32.2	10.1	65.1	74.8	100:114.9
35 to 40.....	40	37.7	12.7	60.6	70.2	100:115.8
Over 40.....	21	45.3	15.3	68.3	74.3	100:117.4
Total.....	233	31.6	9.6	61.9	71.9	100:116.2

It can not be maintained, then, that the older men fell behind in the work.

It was important to ascertain to what extent the various branches of this well-organized industry participated in the acceleration. We present the following tables:

Grades of work.	Number of persons.	Average age.	Average years of service.	Earnings per hour.		Percent- age.
				Nine- hour day.	Eight- hour day.	
OPTICS.						
1. Setters of lenses or fitters (hand work)-----	21	31.1	12.7	<i>Pfennigs.</i> 72.8	<i>Pfennigs.</i> 84.9	100:116.6
2. Grinders, microscope section (hand work)-----	20	33.2	13.8	79.1	86.5	100:109.4
3. Grinders, others (hand work ex- clusively)-----	59	26.1	7.5	60.4	70.5	100:116.7
4. Grinders (machine workers)-----	19	32.1	5.8	52.2	62.0	100:118.8
MECHANICS AND RELATED BRANCHES.						
5. Adjusters (hand work)-----	22	31.7	8.2	65.5	76.7	100:117.1
6. Mounters (chiefly hand work)-----	20	36.9	11.6	66.6	78.5	100:117.9
7. Turners, cutters (exclusively hand work)-----	23	35.2	11.1	57.6	68.0	100:118.1
8. Polishers and finishers (hand work only)-----	17	34.7	11.2	53.8	63.3	100:117.7
9. Engravers (hand work only)-----	5	27.2	6.8	56.1	66.9	100:119.3
10. Casters, molders (hand work only)-----	6	36.2	9.7	56.4	64.8	100:114.9
11. Joiners or cabinetmakers (part hand work, part machine work)-----	15	35.2	10.5	52.3	62.9	100:120.3
12. Bookbinders, case makers (chiefly hand work)-----	6	30.4	6.4	55.7	62.8	100:112.7
Total-----	233	31.6	9.6	61.9	71.9	100:116.2

In spite of the great diversity in the grades of occupation, comparatively small differences manifested themselves. It is characteristic that just those groups which used machines exclusively (groups 4 and 8), like the group in which machine work was done in addition to hand work (group 11), registered the highest acceleration. Only one group (group 2) did not attain the minimum acceleration 100:112.5.

It may be stated conclusively that transient or extraordinary causes were not responsible for the acceleration of the working intensity, nor for the average earning capacity per hour connected with it. The volume of business in the two years was the same. If, then, the reduction of time led not to a diminution, but to an acceleration in production, the result, according to Abbe's detailed studies, may be traced to the fact that after a brief period of transition, the workers—even against their will—became accustomed to work somewhat more rapidly. Asked about their personal experience as regards the diminution of the working time, the laborers concurred in the expression that after some time the work during the last hour did not seem more trying than before, although they were forced to husband their strength more than formerly. By many the acceleration in work activity was hardly noticed.

Here, then, we register the interesting fact that adaptation to changed conditions of work takes place automatically.

This fact tallies with an observation made by Abbe, personally, and reported in the annual report of the supervisor of industries for the province of Brandenburg, 1900, that a transitory lengthening of the working time from eight to nine hours soon led to a diminution in the acceleration of the working activity; in the third and fourth week this had been reduced to almost nil in the case of the workmen selected by Abbe for the experiment.

The experiences made in the Government shops at Woolwich Arsenal and recounted by Abbe are likewise very instructive. There, too, it was found that the diminution of time involved no diminution of performance, although the laborers were under the influence of the trade unions which sought to obtain work for the unemployed by means of reduced hours. The laborers aforementioned certainly did not exert themselves to work more intensely in order to make it harder for the unemployed to obtain work.

Into the reasons which lead to this seemingly paradoxical development, E. Abbe likewise instituted extensive research. The fact that in entirely different forms of occupation and among different peoples a reduction of working hours exhibits a like favorable effect gives rise to the presumption that it must be due to certain general causes. The division of labor, supposedly accountable for the tremendous technical advance of the last decades, has given to almost all industrial labor a peculiar stamp, inasmuch as the daily recurring uniform activity results in a continuous fatigue of the same organs of the worker. Such continuous recurring, uniform fatigue of the body may, however, be endured only if the intervening period of rest and the effect of nutrition counterbalance the fatigue before the work of the next day commences; in other words, if an equilibrium is found between the waste and repair of forces. The least deficit in recuperative strength must necessarily lead to a destruction of the organism.

The fatigue of the laborer is caused by three concurrent factors: (1) By the amount of daily product, which may differ for the various persons according to training and experience; (2) by the rapidity with which the work is accomplished, whereby we must take into account that an increase in waste of forces is really perceptible only when the working intensity is considerably accelerated, and (3) by the waste of energy, depending solely upon the time spent in the workshops. The workman is compelled to stand or sit for from eight to ten hours per day, remaining in the same bodily position; must work under the same strain of concentration, etc. In consideration of these facts, Abbe reached the conclusion that there must be an optimum for every laborer, i. e., a minimum of time resulting in the largest output. He was convinced that three-fourths at least of all industrial workers had not yet obtained this optimum with nine hours of labor, and had not passed it with the eight-hour day, and that it was therefore possible in almost every domain of industry to change not only to a nine-hour day, but to eight hours, working at a reasonable tempo, without any loss or deterioration of the output. Naturally, he was looking forward to a gradual, not a sudden, change to eight hours.

According to his opinion, the object should be to gradually accustom people who now are used to dawdle to acquire that degree of normal fatigue which may be balanced by the next day through rest and nourishment.

Abbe's chief reason for repeating the slogan: "Eight hours' work, eight hours' sleep, eight hours to be a man," was that he regarded the intellectual development of the laborer as the decisive element of his proficiency. Long hours of work result in having the lower strata of the natural intelligence lie fallow to a great extent. The industrial division of labor involves beyond doubt the intellectual dulling of people who are compelled day by day to accomplish the same kind of work.

The point, then, is to give the workers a chance, by shorter hours, to use their native intelligence, and thus avoid dulling of their faculties, to enable them, in spite of the monotony of their daily task, to employ their understanding, and to regard with interest things not immediately within the province of their occupation. The fact that in England shorter hours have been more widely introduced than in Germany constitutes a danger that the latter may be outdistanced in the economic race.

Abbe entertained slight hopes of having the working hours diminished by legislative means. He saw clearly enough that in consideration of the present state of social politics in Germany such a radical measure as the legal establishment of a nine-hour day would be out of the question. "All that passes under the name of social politics and industrial protection in Germany is under the influence of motives of compassion for those abused or exploited in an exceptional manner." He believed further progress possible only by effectual support of the interests of industrial workers through powerful organizations, such labor organizations, however, not to remain isolated from all other parties, but to combine with the progressive as against the backward entrepreneurs. While in England an insight of the need of diminished hours and a higher standard of life has spread, particularly in the circle of entrepreneurs, in Germany these and the educated classes generally, in discussing this whole question, are influenced by fear of the "red flag," as Abbe rightfully pointed out. The "red flag" in particular is responsible for the growing hostility between capital and labor. It is the more grateful to find a great entrepreneur like Ernest Abbe perfectly free from all prejudice against the Social Democratic party. When, in 1894, he discussed before the *Freisinnige Verein* at Jena, in two addresses, the question "What social demands should the Liberal party adopt in its programme?" he expressed his opinion as follows:

"It is part of the inborn pride of the junker or the acquired notion of the upstart not to recognize that the thousands working in rusty garb for entrepreneurs are not beings of an inferior kind, but members of the same people, who but lacked rich fathers to enable them to get six to eight years more of education than they did. Then they would be able to do all their superiors now do equally well, to speak in general, and some of them even better. With people not quite so dense as not to know this the call for subjection and obedience is necessarily met in two ways: The strong, resentful natures will meet it with bitterness and deep hatred; the weak, with hypocrisy or servility. I hold it to be a veritable piece of good fortune for the German nation that there is a sufficient number in the lower classes of such who meet such impositions with bitterness and scorn; for worse than this acute poison for the soul of a nation is the insidious poison of growing accustomed to hypocrisy and servility. No people has been able to maintain its honorable place among the nations whose institutions led to the cultivation of servile virtues, servile obedience, and submissiveness. Those who in opposition to social democracy make much of the so-called 'ideal aims' should bear in mind that not to feel oneself to be the servant of another is one of the most ideal of aims for everyone, even for the common laborer. A people whose regulations, political and social, make the free development of the personality impossible will not be able to hold its own in the industrial contest of the nations. The shortening of the industrial work-day appears from this point of view of eminent significance, not only economically but politically."

MARCH 18, 1908.

MR. JOHN J. GARDNER,

*Chairman Committee on Labor, House of Representatives, U. S.*

DEAR SIR: In further substantiation of the statement made before your committee that the eight-hour day had been mutually agreed to between the employers and employees of the iron trades in the city of San Francisco, Cal., on June 8, 1907, and that, during the life of said agreement the minimum wage rate per day (of nine hours) of that date would prevail, I herewith hand you, for incorporation in the record, a signed statement from Mr. Jos. F. Valentine, president of the International Molders Union of North America, bearing in further detail on the matter.

I herewith hand you for incorporation in the record a signed statement from Mr. Jos. F. Valentine, president of the International Molders Union of North America, bearing in further detail on the matter.

Mr. Valentine had charge of the laborers and mechanics' side of the said iron-trades dispute in San Francisco when the demand was made upon the employers in that city engaged in the manufacture and repairs of machinery for the eight-hour working day.

Very respectfully, yours,

ARTHUR E. HOLDER,  
*Legislative Committee American Federation of Labor.*

AMERICAN FEDERATION OF LABOR,  
Washington, D. C., March 17, 1908.

Mr. JAMES O'CONNELL,  
*President International Association of Machinists,  
McGill Building, Washington, D. C.*

MY DEAR SIR: In reply to your inquiry relative to the agreement reached last year in San Francisco between the metal-working manufacturers and the metal-working trades of that city, I beg to lay before you the form of agreement which was signed by the representatives of each firm to the contract and by the officers of all of the local unions at interest.

You will note that the agreement provides for the gradual establishment of the eight-hour workday, and that during the entire period until the eight-hour day has been established the minimum wage rate remains the same. In other words, the agreement provides that the minimum wage rate for eight hours shall be the same as that existing when the agreement was entered and a nine-hour basis prevailed. The agreement reads as follows:

"Considering the condition in San Francisco at the present time, and the injuries that would result to the city's interests from a continuation of the disputes in the iron trades, we mutually agree—

"First. That all shops shall be opened and the men shall return to work during the week ending June 8, 1907, on the hours and pay prevailing on April 30, 1907, the minimum wage rate per day of this date to prevail during the life of this agreement.

"Second. That nine hours shall constitute a day's work until December 1, 1908. From December 1, 1908, until June 1, 1909, eight and three-quarters hours shall constitute a day's work. From June 1, 1909, until December 1, 1909, eight and one-half hours shall constitute a day's work. From December 1, 1909, until June 1, 1910, eight and one-quarter hours shall constitute a day's work. After June 1, 1910, eight hours shall constitute a day's work.

"Third. There shall be no discrimination made by either side against any employees on account of their connection with the present dispute.

"Fourth. That a conference to discuss any other matters not provided for in this agreement may be called by either employers or employees in any craft to provide for some method of adjusting questions at issue. Pending a decision, there shall be no lockout on the part of the employers or strike on the part of the employees."

You will notice by reading the provisions of the first clause to the agreement that some statements recently made before the Committee on Labor did not rest upon a foundation of fact and therefore left a misleading impression in the minds of that committee. The specific language of the agreement definitely provides that the minimum wage rate shall remain in force during the entire life of the agreement, which covers a period of three years, and you will note that this minimum wage rate is based upon a day basis. This would make it impossible for any reduction in the total earnings for each day while the hours of labor were being reduced.

I hope that the information which I am now placing in your hands will be the means of overcoming any misleading opinion which may have been formed as a result of statements recently made before the Committee on Labor.

Yours, fraternally,

JOS. F. VALENTINE,  
*President International Molders' Union of North America.*



[Headquarters Central Trades and Labor Council, of Roanoke, Va.]

RESOLUTIONS.

Whereas the working men and women of the United States, by the imposition of unlimited hours of labor, are oppressed and cut off from opportunities of self-improvement and privileges guaranteed by the Declaration of Independence—life, liberty, and the pursuit of happiness; and

Whereas the eight-hour workday gives the worker an opportunity in the race for life, promotes culture and citizenship, facilitates the use of improved machinery, elevates mankind, and makes the world better: Therefore be it

*Resolved by the Central Trades and Labor Council, of Roanoke, Va.,* That a continuous campaign be made until a general eight-hour law shall have been passed by Congress; and be it

*Resolved,* That the Virginia Representatives in the United States Congress are hereby requested to advocate an eight-hour law applicable to all manufacturing establishments.

Adopted this the 2d day of March, 1908.

W. B. STEVENSON, *President.*

W. J. COMMINGS, *Secretary.*

[Glass Bottle Blowers' Association of the United States and Canada, Branch No. 8.]

BRIDGETON, N. J., *March 18, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: Branch No. 8, one of the largest branches in the Glass Bottle Blowers' Association, unanimously indorse the Gardner eight-hour bill, and trust that you will be able to overcome the opposition of its opponents and have it placed on the statute books.

Believing that you will be able to accomplish this, we wish to assure you of our support in the interest of the said eight-hour bill, as we believe that it will prove of great benefit.

Yours, very truly,

EDW. S. CHANNELS,  
*Secretary of Branch No. 8.*

SUBCOMMITTEE ON LABOR NO. 1,  
HOUSE OF REPRESENTATIVES,  
*Thursday, March 19, 1908.*

The committee met at 10.30 o'clock a. m., Hon. John J. Gardner (chairman) presiding.

The following delegation, representing the board of trade of Newark, N. J., appeared before the committee: R. C. Jenkinson, George R. Howe, Abraham Rothschild, Edward R. Crane, Herbert Gleason, Franklin Conklin, and Peter Campbell.

There appeared also before the committee Messrs. Charles G. Ross, J. Pinckney Henderson Adams, William D. Forbes, and Wallace Downey.

MR. CAMPBELL. Mr. Chairman, we have a representation here this morning from the board of trade of the city of Newark. By appointment you have been kind enough to set this morning for hearing us. I have the honor of being the president of the board of trade, and I would like to introduce the members who will address you; first of all Mr. Jenkinson, who is the chairman of the committee on manufactures.

STATEMENT OF MR. RICHARD C. JENKINSON.

MR. JENKINSON. Mr. Chairman and gentlemen, I am, as Mr. Campbell said, chairman of the manufacturers' committee of the board of trade. I do not think it is necessary to introduce these gentlemen to

the chairman, because he knows the Board of Trade of Newark. We have about 1,300 members, representing about 3,000 men, because only one man of a firm or company is represented in the board. We have had this bill examined into and studied, and while we do not understand it thoroughly, there is enough in it to show us that it interferes with our rights as manufacturers to run our business as we want to, and in these times, of all others, we do not want any interference. Personally, I want to speak for myself, because I make goods directly and indirectly for the United States Government, and have been doing it for a great many years, and while it is not a large part of my business, it helps to make up the total, and often where there is not a profit it helps to reduce the shop expenses. Now, we manufacture goods for the United States Government, for the military department mostly, and these goods, some of them, are manufactured special. We also manufacture for the different departments in a smaller degree. Some of these goods can be bought in the open market, and some are special. As a matter of fact, the majority of them are special. These goods are made on machinery which is in most cases entirely automatic, and one man often attends or runs five or six machines.

The CHAIRMAN. Where are these goods made?

Mr. JENKINSON. We manufacture all the metal parts that go on military uniforms, buckles, hooks, name plates, and we also manufacture for the United States Government parts of harness trimmings which are special, and there are other things I could name, but I have not a list of them now, which we manufacture in small quantities. Now, the difficulty with me is this in figuring out the bill, and I can not figure it out—how I am going to run my business and manufacture the things that I manufacture for others and also keep the part that we manufacture for the United States Government. If we have a man running five machines, and one is running on the United States Government work, we must stop that man at the end of eight hours and send him home. That increases our expense, and I can not see why it will not demoralize our business. It appears to me that it would do so and that it would create dissatisfaction, and I can not see why it would not reduce the wages of the employee. You know, Mr. Chairman, because you know our State pretty well, that Newark has been very fortunate—exceedingly fortunate—because we have never had any serious labor difficulties. We have lived at peace with our workmen. We live close to them; we live by them, and we talk to them. I know all my men by name. Some of them have been working for me ever since I have been in business, thirty-two years, and are there yet. I think the average working life of my men, exclusive of the boys and girls, is seven years, so that they have been there all of them at least on the average seven years. That is a condition that exists all over Newark. We have gotten along very well in the past with these conditions, and we do not want to change them.

Mr. Chairman, I want to tell you, and the rest of the committee through you, that this bill is opposed by every member of the board of trade of the city of Newark. They do not believe in it. They do not want it. Some parts of it they do not understand and those parts they are afraid of. We ask you and the rest of the committee not to present this bill.

Mr. HASKINS. What is your workday; how many hours?

Mr. JENKINSON. Our working week is fifty-five hours, and by arrangement with our men we give them for five months in the year a half holiday on Saturday. The pieceworkers do not get paid for their work, but the foremen and help and the others get paid for full time during the summer months, five months, fifty-five or sixty hours. We pay them on the sixty-hour basis and give them fifty-five hours' work.

Mr. HASKINS. Do they work overtime?

Mr. JENKINSON. Yes, sir; they frequently work overtime.

Mr. HASKINS. Do your men want to work overtime?

Mr. JENKINSON. They want all the work they can get overtime. They work all the time overtime and if they can get a chance they are delighted; they are delighted to do it.

Mr. HASKINS. What is their rate for overtime work?

Mr. JENKINSON. Their rate is just exactly, with us, the same as they get for their regular wages. We do not pay them any more. It would be impossible for us to run in our business and pay more for overtime work. We pay fair wages, and if we paid more for overtime it would increase the cost of our goods too much. The profit of our goods does not allow any extra wages. But the men are very willing to work overtime and are asking all the time for overtime work. A man came to us the other day who had been put on short time and asked if he could not have some work some other place, even a part of the night, or to clean up the factory, or something like that; he wanted more work. We have them come and ask us for more work all the time. Some of our work we might give out to be taken home, to be done by hand outside of the factory, but we have never done that. We have been asked to do it, but we never have done it.

Mr. HASKINS. That is piecework?

Mr. JENKINSON. We never have done that. We like to have the work kept in the factory.

Mr. EMERY. Has any demand ever been made on you by your employees, or have you ever known of any demand to be made by the employees in the industry you represent, for a rigid eight-hour day?

Mr. JENKINSON. No, sir.

Mr. HASKINS. Is your shop composed of union or nonunion workmen?

Mr. JENKINSON. Our shop is an open shop. We have unions in the shop. For instance, our polishers are all union men, but we run the business ourselves. I am interested in other businesses besides the one I speak of now, but that shop, my shop, where I am in sole control, where I am the head of it, where I employ about 300 men, we run ourselves.

Mr. DAVENPORT. If the men understood that the provisions of this bill were designed to cut off the right of working people to work more than eight hours a day, to work overtime for overtime pay, is it your idea that they would be in favor of it?

Mr. JENKINSON. No, sir; I believe the men would be against this bill. Most of the people who work in Newark would be against it, in the factory where they do small work, because it is all piecework, and this really would cut down their wages. Those men of my own workmen with whom I have talked about it and told that I was com-

ing down here, as I frequently do talk with the most intelligent of the men and tell them the conditions, were opposed to it. I gave them a copy of the bill and let them read it, and they came back then and said they did not think that would be a good thing for them; they did not see how they were going to make their full wages. They may make an increase in the wages of two hours at the start, but they would eventually get back to the same basis and the men would get four-fifths of what they did before. That has been the experience all over the country.

Mr. CAMPBELL. I should like to introduce next Mr. Rothschild, representing the leather manufacturers of Newark.

#### STATEMENT OF MR. ABRAHAM ROTHSCILD.

Mr. ROTHSCILD. Mr. Chairman and gentlemen. I have not very much to say on this question. I only want to state in a general way that I believe in surrounding labor with every proper condition, but I believe when you attempt to limit the industry or the producing capacity of the people by trying to standardize an eight-hour day you are proceeding on lines which, I think myself, are economically wrong. So far as our own industry is concerned—the patent and enameled leather industry—there are certain peculiar conditions of processes in which it would be impossible to limit a man to an eight-hour day. For instance, in the boiling of composition; when a man starts a batch of composition it has got to be finished to the proper consistency in that one boiling, and when his batch of composition for that day is done his labor for that day is done. Sometimes he is lucky and he gets it done in four hours, and he empties his kettle and fills it for the next day, and then he goes home. and I have known those men that work in that part of the business to be through at 12 o'clock, and they have gone home. At other times they have been unfortunate; we have had a bad lot of oil, and they have worked ten, twelve, and even seventeen hours; and you can not absolutely limit it in that peculiar process. But, on the average, that man does not work eight hours a day, I believe. However, you can not say to him that when his eight hours is done he must stop and let that stuff spoil.

Now, in other parts of our factory we work mostly on piecework, and I do not believe our men would want to be limited to an eight-hour day. We have lots of men who work industriously and who want all the work they can get. I know of instances where the men have bought their homes and have paid for them and have bought other property besides, and some of them have been with us twenty-five years, as long as we have been in business, and if you would try to limit those men to an eight-hour day and say to them, "You shall not do more than eight hours' work or earn more than so much money," I think they would kick. We have never had any demand, and we do not know of any demand, so far as I know, for an eight-hour day. Those men do not want to be limited. They want to earn all the money they can. I have known some of the men come very early in the morning and work late, and when there is no work they kick. They want all the work they can get, and they do not want their producing capacity limited; and if were limited to the eight-hour day, so far as the day laborer is concerned, it would only

mean that it would reduce the wages to that amount, because it would simply increase the cost of goods on time work. When you get only 80 per cent of the labor you figure your cost on, you have got to reduce the price by just so much, and I do not believe the men would want that. With the demand of organized labor for a shorter day on the one hand, and the demands of capital and financial conditions on the other, the merchant and manufacturer being between the two, his lot is not a happy one, especially under existing conditions, and with all due respect I would warn you, gentlemen, to be careful how far you go in interfering with the interests of this country by trying to curtail the producing capacity of labor.

Mr. HASKINS. Why can you not pay your men what you have been paying them for nine or ten hours for their eight-hour day, and then increase the cost of your product to the purchasers?

Mr. ROTHSCHILD. Well, you see the price of hides fluctuates, and we can not limit that at all times. Of course it could be done, but of course it would increase the cost of the goods. Now, I do not see why the Government should force an increased cost upon itself for the goods which it buys, and of course which would really result in increasing the cost all over, everywhere. I do not believe it is a good economic principle to try to make goods more costly. I believe it is a good economic principle to try to make goods as cheap as possible, which would redound to the benefit of the manufacturer as well as the laboring man. Anything that increases production is good; anything that retards it is bad.

Mr. EMERY. Do you find that an increase in the cost of goods tends to increase the consumption of them?

Mr. ROTHSCHILD. No, it does not; it certainly does not in the export business. I know when we have to compete with Germany and France we would be out of it entirely. We have a large export business, and it would certainly knock that in the head.

Mr. CAMPBELL. I would like next to introduce Mr. Howe, president of the Manufacturing Jewelers' Association.

**STATEMENT OF MR. GEORGE R. HOWE, PRESIDENT OF THE MANUFACTURING JEWELERS' ASSOCIATION OF NEWARK, N. J.**

Mr. Howe. Mr. Chairman, I have the honor of representing not only our own firm to-day, but I am the president of the Manufacturing Jewelers' Association of Newark, comprising some 65 or more of the leading firms in the city, and our association as a unit is opposed to any legislation which interferes with present conditions in our trade, as Mr. Rothchild has clearly set forth to you. I have no desire to take up your time, but I would like to put one thing before you that is not generally understood. The jewelry business is an exception to all lines of manufacture from the fact that a man to succeed in jewelry—I am talking now of gold jewelry, fine jewelry—must have considerable of the artist about him; he must be much more than a mechanic. We are catering to a whim always, and as you gentlemen know, the designs of the world come from Paris, and have through all the centuries. We are now in this country doing a good deal of designing, but the whole tendency of our business is constantly to disintegration rather than to concentration, because of the artistic faculty that must come in, and our men are, if you choose,

cranks. A good jeweler is usually a crank. You can not handle an artist as you handle an ordinary, well-balanced man. Now, catering to a whim as we do, manufacturing for a luxury and only a luxury, our business is necessarily very fitful. We are dependent on general business prosperity for our success. When the general business of the country is good we have a good and successful business. We are the first business to feel depression and the last to revive, always.

Now, that being the case, it is impossible for the jewelry business to have any surplus of skilled labor. In fact, there is a great dearth of skilled labor all the time, and, as you know, in this country there is a great dearth of technical training, on which Germany is leading the world to-day. Germany, France, and England have all gone into technical training, and are training men for decorative work in all lines, in the jewelry line as well as all others, in all the luxuries. Now, that puts us at a disadvantage. During the last six months there was not a jeweler in Newark that would not have put on more hands if they had been to be had; but when this financial depression struck us in October and things began to look as though there might be a slack time before us, I should think as many as ten or a dozen of our finest workmen took the first ship right back to Paris. The result is that there is always a scarcity of labor when you need increased production, and to attempt anything like restricting hours of labor with us would be almost suicidal. You take it at a time when Tiffany or some of the large jewelers of the country require something for a wedding, or when Tiffany in the shop at Forest Hills is making a silver service for one of the war ships, or something of that kind; it must be done, and it must be done on time. There is no use talking about working eight hours only. All such work as we do, done by the hour, piecework, is infinitesimal. It can not be done, because the work is so entirely different. It is work of an artistic character. Those men are delighted to work. They would not object at all to working twelve or fifteen hours if they were interested and inspired; they would do it with the greatest pleasure.

And you take it in a time of depression like this; what are you going to do? The men must have part time, a very large majority of them. This fall, if there should be a revival a month or two later, do you mean to tell me that those men would not be delighted to work more than eight hours? They would be only too glad to do so. And while in the aggregate there are a large number of these men, so far as I know, from personal intercourse with our own men, I know that they are almost all vigorously opposed to this sort of thing. Like Mr. Jenkinson, we run an open shop. Our factory has been running for sixty-odd years, and we have never had the slightest friction with our employees, never a strike, never a serious accident in all those years. I know the men in the shop by name, and our relations are exceedingly cordial. Why the United States Government should attempt anything paternal, saying to a man, "It is a crime for you to work, absolutely wrong; you will be fined if you do; you must not work if you want to," is one of the things we can not understand.

The CHAIRMAN. You do not understand that this bill is intended to apply to anything except work for the Government?

Mr. HOWE. I do not understand it, sir; but I understand that if the eight-hour law becomes a general law of manufacture, it will have its effect on our men just exactly as it has on everyone else, and I understand that if you cripple the staple lines of the country you wipe us out. Our interest is the keenest and greatest in the freedom of able-bodied men to decide all those things for themselves.

Mr. HASKINS. You understand that this bill applies only to Government contracts?

Mr. HOWE. Yes; to those making goods for Government contracts; but you are opening all sorts of questions there. The question comes up instantly whether a silver service such as would be made for a man-of-war is regular goods. It is not regular at all. Would that mean a representative would be put in Tiffany's factory at Forest Hills to superintend that? They work ten hours a day up there. If you say that their men should work only eight hours, why, they would not touch it. Or take the Graham Company, in Providence, with 2,500 or 3,000 employees doing that work; could they do that sort of thing? I do not see how it is within the possibilities. You do affect us in a very marked degree, although it is an indirect effect.

Mr. CAMPBELL. I will introduce next Mr. Crane, of the Arlington Manufacturing Company.

**STATEMENT OF MR. EDWARD N. CRANE, VICE-PRESIDENT OF THE ARLINGTON COMPANY.**

Mr. CRANE. Gentlemen, my position here is rather peculiar. We make very few goods for the Government. The quantity is so insignificant that I do not appear at all in behalf of an individual company. I am simply coming here from the board of trade. We can settle the matter very quickly as far as the Arlington Company is concerned; we would not make a dollar's worth of goods for the Government, and I would like to explain why. It would be impossible for us to make any articles for the Government under the conditions which are imposed by this bill. I might explain, perhaps, by illustrating what we do. The goods we manufacture are commonly known—the material is commonly known—as “celluloid.” It is a chemical compound, but requires in its manufacture a very complicated number of processes. Now, the little article we make for the Government is a recording disk or wheel, which is made at the solicitation of the Government and not from any solicitation of ours, because it is an insignificant matter; but the material is desirable for that purpose. They asked us if we could make this article. It is a part of a larger machine, and an important machine, I presume, because it was light and noncorrosive and impervious to water and could be made of the proper colors, whatever they might want; and for many reasons it was desirable to them, and we were very glad to do that and make the article. The very basis of our business is conversion of cotton fiber into a form so that it may be properly treated, and that is in the form of tissue paper. The capacity of that mill is our daily product. It is so arranged that every day it will turn out the amount that we use; not that amount we use the next day, but that is the capacity of the mill—our daily product. That must be made continuously, and the workmen are formed in

two shifts, a night force and a day force, and you know the conditions of paper making—the way it must be continuous, day and night. Those men work, as I say, on two shifts, night and day, and we simply could not make anything in that department under an eight-hour law. When it comes from that department, it goes to the department which we call the acid department, where it is treated.

Mr. HASKINS. Could you not have three shifts of eight hours each?

Mr. CRANE. It would cause us a great deal more of expense in labor to produce. That product is made now so that we can manufacture it to advantage. The men work under good conditions, in a suburban place, and they are all very glad to have the work, and the work is easy work, as you might say—that is, it is such work as is very desirable—and it would cost us 50 per cent more if we should make those goods under three shifts of eight hours each. It would be impracticable for us to do it. Now, when it goes into what is called the acid department, a very peculiar process is performed there. The men work only on fifteen-minute shifts; they can not stand the acid fumes for any length of time. In order to make our output, they start in the morning at 6 o'clock, and that department runs until 7 o'clock at night. They do not all work continuously; none of them work continuously through that time, possibly. There may be some that desire to do it for some peculiar reasons of the process. So you see it would be simply impracticable for us to manufacture for the Government anything that would have to disrupt and interfere with a process which has been built up through many years. It would simply upset our whole plans—so much so that we would not desire to undertake, and we would not undertake, to make anything where there was some law to come to say to us, "You must make it under certain conditions."

While the product we would make is insignificant, it seems to us that this is a bad bill if it will impose conditions so that persons could not supply their goods, even in a small way, to the Government. The Government desires these goods. Why should they not have the privilege of having them? And why should not we have the privilege of selling them to the Government, even in a small way? Why should not a bill be so fair in its provisions that it is not only clearly set forth, but should be beneficial in its character? Now, there seems to be a clause here which makes inoperative the first part of the bill. We do not understand whether the articles I have mentioned are supplies for the Government, or an article for the Government, or what; and whether it was or not, it does not seem to us that a bill should be so made as to be applied to only a small percentage of manufacturers.

Mr. HASKINS. Can not those articles you make for the Government be purchased in the open market?

Mr. CRANE. Oh, no, sir; not at all. They are made on a design submitted, a model submitted, by the Government; made of our material. People might purchase our material, or they might get it from some other manufacturer and might with the same model produce a similar thing, but none of the basic material that should go into those articles could be made except under the conditions I have stated.



Mr. DAVENPORT. You will notice that it is not only goods bought in open market, but it says "such materials or articles as may usually be bought in open market."

Mr. CRANE. That is of course a special article of manufacture and could not be made under the present provisions of the bill.

Mr. DAVENPORT. Even if the word "usually" was not in there?

Mr. CRANE. No, sir; it does not make any difference about that, and I am puzzled to know, on behalf of all the manufacturers of Newark, of our board of trade, how this bill would affect us. Certainly it seems to me very injurious and confusing, and it would be very injurious in our estimation. I tried to find out what percentage of people this bill would affect, or what percentage of manufacturers, rather. Some said 95 per cent and some 5 per cent. Now it seems to me where there is such a wide diversity of opinion as that there must be some confusion in the bill.

Mr. EMORY. Would not the practical effect of the operation of the bill be that you would either have to withdraw from Government contracting or, if you were in doubt as to whether or not the bill applied, to stipulate in the contract in order to protect its validity?

Mr. CRANE. Oh, certainly; if we should receive an order we would simply say we could not make it under the provisions of the bill, and if they would say we could make it eliminating the provisions, we would be, of course, very glad to do anything to accommodate the Government, as we are now, but it could not be made under the ordinary methods of manufacture.

#### STATEMENT OF MR. HERBERT P. GLEASON.

Mr. GLEASON. Mr. Chairman, I am not directly interested in the passage of this bill, but the position of the shoe manufacturers is that, in their estimation, it seeks to introduce an unwise and unnecessary disturbing element into the present conditions between the employer and the employee. The employees of the shoe manufacturers of Newark have never, so far as I know, sought to secure a shorter workday. Their sole solicitation has been to get all the work they could and to work all the hours in the day that they could. Much of it is done by overtime work, and they are all anxious to get all the employment they can and do all the work they can. So far as the bill directly affecting our interests is concerned, the shoe manufacturing interests, I do not think that has any bearing in the city of Newark, because none of them manufacture for the Government or have ever taken Government contracts or sought for them.

#### ADDITIONAL STATEMENT OF MR. RICHARD C. JENKINSON.

Mr. JENKINSON. Mr. Chairman, one of the gentlemen asked a question, and after I sat down I thought what I might have said, and I want to impress it on you now. I was asked how long our working hours were, and I told you that for seven months in the year we had fifty-five hours a week and for five months in the year—May, June, July, August, and September—we stopped at noon on Saturday. It occurred to me after I sat down that I ought to tell you gentlemen

this: A few years ago we used to start up on the 1st of September working the full day on Saturday, and we had four months; then we straightened it out to the 15th of September, and we had extraordinarily hot weather in the first part, and then we had an extraordinarily hot part of the month of September in the latter part, and I made it five months instead of four months. Last year I came nearer to having trouble than I ever had before. My men came to me and demanded that we commence work after this on the 1st of September, and I said, "Send your committee in to me and I will talk to them," and they did so, and they came in and I talked to them and told them we would continue this year to the 1st of October the shorter week, and after that we would consider it this year, and it will come up again this year. They do not want less hours of work with us, in our part of the country, in our State, and I think the conditions all over the State are the same. What they want is more hours and more work all the time. I just wanted to impress upon you that fact.

Mr. PAYSON. Can you give the committee to understand approximately how many employees are engaged in manual labor in your industries which your board of trade represents? You gave the number of concerns, but nobody yet has an idea how numerous their employees may be. Just give it approximately.

Mr. JENKINSON. I think I can safely say that we have represented in the board of trade in the city of Newark 35,000 employees. We have plants ranging in number from the ordinary small manufacturing jewelry plant or small plant of any other kind, employing maybe 10 skilled workmen, up to those employing 5,000 and 6,000. We have the larger manufacturers and the small, because our board of trade is one which looks after the interests of every manufacturer in the State.

Mr. PAYSON. So far as you know will you state, or are you prepared to state as a fact, as to whether the relations between the employees and the other firms with which you are not connected are substantially the same as to cordiality as between your own employees and yourself?

Mr. JENKINSON. Exactly the same. There never was a State or never was a community where the conditions were better between the employees and the employers than in the State of New Jersey, and as the northern part of the State is the larger manufacturing part, and the glass industries of the south represent, with the ship-building plants, the biggest manufacturers of the south, though they are growing very fast down there, I can speak decidedly for the people of the north, for, like Mr. Campbell, I have been president of the board of trade for two terms, and I have been very close to the manufacturers and I know what I am talking about. The best of feeling exists, and we never have had any trouble and never have had any trouble that we had to settle. The charter of our board of trade of Newark, an old charter, allows us to settle disputes among the manufacturers and their employees, and we have never had to bring that up, we have never had to use that clause.

Mr. PAYSON. You have never had to exercise that power?

Mr. JENKINSON. We have never had to exercise that power.

Mr. PAYSON. Just one thing further. For the last three or four years have you ever heard in your locality, among any of these employees, any expressed desire, much less a demand, for an arbitrary eight-hour day?

Mr. JENKINSON. We have never had anything of that kind, and, as I stated before, when I tried to make them continue in my employ to work less than the full time, they demanded longer time, and I think we will compromise this year on the 15th of September and perhaps on the 15th of May. I expect every day to get an application asking me not to start slow hours on the 15th of May. We have been very fortunate and are working our men full time, though not with the full force. We have laid off some of the disgruntled men and some of the employees who were not the best, because they were dissatisfied and we were; but we are working full time and in some cases piling up stock, and in some cases extending credit in order to do so, where we give a man the privilege of taking four months instead of two months.

Mr. PAYSON. In your representative capacity I would like to ask you your opinion about one thing. Assuming that some people whose opinion is entitled to credit affirm that this bill would reach in its exceptions 95 per cent of Government contracts; that is, that there would only be 5 per cent within it, and assuming that another equally intelligent lot of people, lawyers and legislators and people connected with the Departments, would assume and declare that this bill reached almost affirmatively 95 per cent of what the Government would contract for; with that diversity of opinion between people in that position, I would like to ask your opinion as to the wisdom in these times of enacting that class of legislation affecting the working people of this country.

Mr. JENKINSON. I do not quite get at what you want, but I think I do some of it, and I will answer, and if I am not answering right you can correct me. Leave the times out of the question. We have had good times, and I have shown you that I am an optimist, because I am going right on, as I have described.

Mr. PAYSON. You look it.

Mr. JENKINSON. Thank you; but I want to say to you that this principle is entirely wrong.

Mr. PAYSON. Yes.

Mr. JENKINSON. The principle is wrong. In the first place, I am a man who thinks as I know, what I know; but I am willing to be convinced. Sometimes my friends say that I am wrong. But I do not consider that the United States Government or anybody else has any right to dictate to me what I shall do within my shop, and I will tell you why I say so. I speak for the manufacturers, and the manufacturers of northern New Jersey, I think every one of them, will agree with me. I buy material three, four, and six months ahead, and I pile it up. I pay the labor on that material maybe three or four months ahead, and sometimes a year ahead, and then those may be special goods and they may be not, but under this bill I do not understand where they come in; but they are my goods, and they are mine until I get the money for them, and nobody has any right to come in and say to me what I shall do in my own factory.

Mr. PAYSON. So long as you and your men agree about it

Mr. JENKINSON. I and my men agree always.

Mr. PAYSON. That answers my question.

#### ADDITIONAL STATEMENT OF MR. ABRAHAM ROTHSCHILD.

Mr. ROTHSCHILD. Mr. Chairman, there is just one point I want to mention. How would this thing work in cases where a man takes a Government contract who is not the manufacturer of these goods? A man makes a contract with the Government to supply certain goods. He goes, then, and buys them from the manufacturer. The manufacturer does not know that these goods are intended for the Government, because the party making the contract does not want him to know where these goods go to or what he is doing with them. That man goes ahead and manufactures his goods in the usual way and delivers them to the party he sells them to, and that party is supplying them to the Government under a contract; and if it should turn out these goods have not been made in accordance with this law, the manufacturer, being entirely innocent of the knowledge that he was working for the Government, might be subjected to the penalties of that law. We recently had a case where we were selling some goods to a dealer, and we found afterwards that the goods were being sold to the Government. We did not know anything about it—that is, they went into Government work.

Mr. HASKINS. Under this bill the contractor is the man who has to see to it that the manufacturer does not work his men over eight hours a day.

Mr. ROTHSCHILD. Suppose he does not see to it? It is the manufacturer who makes the goods under this bill that is liable?

The CHAIRMAN. Let us get that straight. That is a clear misapprehension.

Mr. ROTHSCHILD. As I understand it, it is the man who makes the goods who is liable.

The CHAIRMAN. No. We will assume that John Doe is the contractor and that he buys the goods from you and you manufacture them for him, and you have not even the knowledge that he is making them for the Government. Now, where do you get from that bill that it can in any way whatever reach you?

Mr. ROSS. What is to prevent the contractor from coming back with a suit against the manufacturer?

The CHAIRMAN. This bill gives the contractor no right of that sort. One of the criticisms against the bill is that it does not apply in that sense and bind the subcontractor.

Mr. ROTHSCHILD. It says here in the bill:

Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right to appeal to the head of the Department making the contract, etc.

So it does show that the subcontractor is interested. I simply make the suggestion.

Mr. HASKINS. The contractor may make a contract with a subcontractor that he shall see to it that his men do not work but eight hours a day.

Mr. ROSS. There, again, the contractor may have a limited time, and he may know that he can procure these goods in the open market,

and he will take the ready-made goods, and the manufacturer will not know all these facts.

The CHAIRMAN. There is no contract between the Government and a subcontractor.

**STATEMENT OF MR. PETER CAMPBELL, PRESIDENT OF THE  
BOARD OF TRADE OF NEWARK, N. J.**

Mr. CAMPBELL. Mr. Chairman and gentlemen, before we close, as representing the Board of Trade of Newark and as being its president, I would mention one or two questions which have arisen in talking with the men who have spoken before you. Mr. Jenkinson said we represented about 35,000 employees, I think. I think Mr. Jenkinson has underestimated that by a good bit. I am sure that the Board of Trade of Newark represents not less than 60,000 employees. I want to read from a statement I have here to show what we represent, and I should think the values have been increased at least 50 per cent since 1904, when this statement was prepared. We had forty different lines of manufactures which produced each from \$1,000,000 to \$20,000,000. In smelting and refining we produced upward of \$20,000,000, in machine shops \$6,000,000, in varnishes \$2,500,000, in iron and steel \$1,500,000, in celluloid \$2,500,000, and so on. So that you will see that the Board of Trade of Newark is representing those industries; and the Board of Trade, as Mr. Jenkinson has said, represents manufacturers who have never had any trouble with their workmen. We have been free from that. In the industry which I have the honor to represent we employ about 1,000 men, and in twenty years we have not had a single issue. We have men with us who commenced business with us. If we worked a ten-hour day, it would be impossible for us in many cases to make our goods and sell them at present prices. We manufacture a lot of goods for the Government, and under the schedule these goods are made special; they are made under a special schedule, special composition, special work, and it would be impossible for us to run these on eight hours, because, like Mr. Rothschild, we have got to continue until the work is completed, and the peculiarities of each industry require to be studied.

What would be the effect of shortening the hours on Government work? Of course the effect would be that manufacturers would turn down Government orders, or else charge such a price that it would be too high, and it would be extravagant for the Government. The effect of that would be to throw the business away from the domestic manufacturer and to put it into the hands of the foreign manufacturer; because I understand that it is a law that the United States Government must be free to buy its products wherever it can, in whatever country it may be. Now, sir, why should we wish in our own country to throttle the domestic manufacturer when we have no power to throttle the men outside of our own country? That does not seem to me right.

Then another thing, why should we ask the Government of the United States to increase the cost of its products? Who pays for it? The farmer out in the outlying districts who can not work the eight hours. He is the man who is paying the largest portion of the taxation. Why do we ask him to pay more, when he can not apply the

eight-hour system? He has to reap his hay and the produce to feed the United States Army on some other system than eight hours.

Then there is the undesirability of this. It is a most undesirable measure. If the manufacturers have agreed on certain things with their operators, and are now at peace with them, why do we want to disturb these conditions? The country is growing and our manufacturers are increasing to such an extent that we have got to seek a foreign field. How are we going to do it? Germany, for instance, is a live country. Her manufacturers are keen people. They are coming to these shores of ours, and the manufacturer of to-day finds that he is getting keen competition from abroad. These men are seeking foreign markets, and how are we to meet them? On price? If we increase the price here, how are we going to enter the foreign markets? It is impossible. The Englishman has all the experience of the ages behind him and all the accomplishment of the years behind him. We have got to meet these men in the foreign markets, and there is not a man here to-day who is not trying to open his doors and get into the foreign markets. Our product is large, and we must get the foreign market. This may seem a small thing in connection with the Government work. We pride ourselves on selling things to the Government and getting that work, and it has been a godsend to us in these dull times; but while we have a nice little pride in supplying our own Government, and while we do not want the Englishman or the German to come in and supply battle ships to the Government and other things that the Government needs, it surely does not seem to us wise that our legislators, of all men, should try to throttle our products and increase our cost.

As representing the Board of Trade of the city of Newark with all these industries behind us, our manufacturers are begging you, petitioning you, that you give us a chance to give those men employment and make a living for ourselves.

#### STATEMENT OF MR. CHARLES G. ROSS.

Mr. Ross. I come before you representing the Manufacturers' Association of New York, in their behalf, and representing about 600 manufacturers throughout the State and perhaps employing somewhere about 100,000 men in all lines of manufacture. One of our members, the Mergenthaler Linotype Company, employs about 2,000 men. The Government printing is done by the Mergenthaler linotype. I myself make a machine for the Navy Department or the War Department sometimes. I do a little something occasionally for the Bureau of Engraving and Printing. All these orders come only at intervals of perhaps a year or two or three years, and it would be impossible for us to run and do this small amount of work piecemeal, as the jobs go through the shop. Perhaps only two or three hours' work a day is done on one machine we are building now, and it will take two or three months to build it, and if we were bound down to eight hours' time a day on that proposition it would be almost impossible to keep track of it.

Mr. EMERY. What is the character of that machinery you are speaking of?

Mr. Ross. It is for the Government arsenal at Dover, N. J. It is a machine for mixing smokeless powder. We built some of these

machines for the Dupont Powder Company at the beginning of the Spanish war, and we kept those in repair, and they had been purchased in part from German manufacturers; and then the German manufacturers came over here and established works in the West, and we have been trying to get orders for that work and we have succeeded, based on the designs suiting the Department and being a little lower in price.

Mr. EMERY. That is, the machines you are manufacturing are the first of their kind made in this country for the Government?

Mr. ROSS. Yes; they are the first in this country.

Mr. EMERY. Therefore they had been made in Germany?

Mr. ROSS. Yes; theretofore they had been made in Germany. For the War Department we have made paint machinery, used for making paint and putty used on the war vessels. We put up one for the New York Navy-Yard, and that was successful and they ordered others and we took our chance in competition with others. The competition is very keen with our concern and other manufacturers. We do sell some in Canada. We are just shipping a small order to Denmark, and have sold some throughout England and Austria, so that we are in competition with the foreign manufacturers as well as also selling in Canada. Then these people came there and started up a business in Canada and we get no preference. Sometimes the design is a little better. We are working on a nine-hour basis and it is all we can do to hold our end up, and having to come down to an eight-hour basis would mean a loss of 12 to 15 per cent in our output, cutting our plant down.

As I said before, we have to be extremely economical, watching every move, trying to get a different way of making, so as to get the number of hours down, or to make the productive power of the men greater. We have to go right out in the open market and get the material for making these things. We could not make all the different varieties of bolts and iron and steel castings, and all the things that enter into the construction, and some of the things have to be made to order by the parties outside, so that, even if we tried to run our own shop on eight hours, we could not get the materials to make those machines on the eight-hour basis. It would be impossible. That would make it impossible for us to do the work, and the work coming so seldom and the orders being small, in comparison with the general business, in the general custom of manufacturing, it would be almost prohibitory, and we would have to let the work go; not that we did not want to do it, not that we did not want to work for the Government, but the loss would be too great. We could not stop the other work. It appears to us and to our members that it is a sort of class legislation; that the Government work would drift into the hands of a few, who would probably solicit Government work almost entirely, and these few shops that might undertake it would not have the experience of the general manufacturer, and could not gain the knowledge, because when you are working for a general manufacturer all the time, he is criticising your work all the time, and the Government would lose the value of this experience. All manufacturers are trying to improve processes to make good better, and if you concentrated in a few hands all the Government work, the Government would lose all the advantage of the experience of these different people and the different manufacturers. We think that our employees have a right

to work for the Government, and we feel that we have a right to work for the Government, and we feel that there should be no favored class, no few people should have the right to get the limited amount of work and be favored in this respect; and as these gentlemen said before, it increases the burden of taxation and cost, and it increases the cost to the Government from 25 to 50 per cent on the things that it buys.

Another item would be this. We have sometimes machines partly finished or almost finished, which the Government can use, and they want them quickly, and it would bar us from furnishing these machines, and the Government would be financially damaged, and perhaps there would be a loss on account of not being able to take advantage of these machines which were ready for immediate delivery.

It appears to us that the law would be dictating to the manufacturer what he should do in his own shop, dictating to his employees how many hours they should work, and we feel they have a perfect right to work any number of hours. It would result, perhaps, in indolence, and would reduce, undoubtedly, the producing power of the manufacturers throughout the United States 20 per cent, and that would be a loss to the entire country. We would have the capital lying idle that ought to be earning.

Mr. EMERY. I understood you to state that at the present time, in the manufacture of powder-making machinery to which you referred, you are meeting the competition of the German manufacturers.

Mr. Ross. Yes, sir.

Mr. EMERY. Would you be able, under the requirements of this bill, to meet that competition?

Mr. Ross. No, sir; we would not. In the first place, we pay higher wages, very much higher, than they do. As you will find from the Government tables, we pay at least 50 to 60 per cent more for the labor done here than is paid in Germany, and they would have the advantage of longer hours and cheaper labor to build these machines.

Mr. EMERY. The effect of this bill upon your particular industry would be to turn that business back to the German manufacturers?

Mr. Ross. To turn that over to the German manufacturers.

Mr. EMERY. Are the relations between yourself and your employees at present pleasant or otherwise?

Mr. Ross. Yes, sir; and always have been.

Mr. EMERY. Is that the general condition prevailing among the members of the association which you represent?

Mr. Ross. Yes, sir; I do not know of any strikes or any discussions at all in labor matters.

Mr. EMERY. Have you ever known in your own experience as a manufacturer, or within your knowledge as a member of your association, of a request or a demand being made either upon you or other members of your association for a rigid eight-hour law?

Mr. Ross. No, sir; never.

#### STATEMENT OF MR. J. PINCKNEY HENDERSON ADAMS.

Mr. ADAMS. Mr. Chairman and gentlemen, I represent the Vermont Slate Operators' Association, and I also represent the National Slate Manufacturers' Association. The slate industry is a peculiar



one. It does not take in very many manufacturers throughout the country. There are only a few States, in fact, where slate is found. The Government buys quite a good deal of slate for structural work, switchboards and platforms, stair treads, wainscoting, baseboards, and so forth. If we should work eight hours only, whereas we work ten to-day, we would be compelled when on a Government contract to simply take one individual stone and run it right straight through the mill, working but one man on that stone, for the simple reason that when we are working our mill under ordinary conditions we are putting through about eight or ten, or possibly a dozen, different orders. When a stone comes into the mill it has to be sawed to the size that is most advantageous. It can not be sawed to, we will say, just a Government size, but it must be sawed to any size for which we have an order at that time for which it is most advantageous, for the simple reason that there is not enough profit in the slate business to warrant doing it in any other way. At the present time the prices of slate are just as high as the slate will stand. The moment we raise the prices we are in competition with marble, the cheaper grades of marble, and a good many manufacturers throughout the country would prefer the marble. In putting through a Government contract we have a great deal of trouble in taking the slate product out of the quarries, bringing it down to the mill, cutting it to the specifications as required by the Government, and doing our other work on the ten-hour basis. The Government specifications are very carefully planned. We can not take any ordinary stone and cut it to size and apply it on the Government contract. The Government states specifically that the stone must be of such a thickness and such a color, free from foreign substances, and it sometimes specifies that it shall be Vermont slate, or it would specify that it shall be Maine slate. They have different specifications. You can not go out in the market and buy the slate; you have to manufacture it on these specifications and no others.

Now, in the case of roofing slates, which the Government also buys, I think that the black-slate manufacturers would be brought in competition eventually with slate coming from Wales. In Wales they have huge quarries, and Lord Pendon's quarries are producing more slate than can be sold in England and the English possessions. That slate certainly would come over here if we could not produce our slate cheaper than they can. The cost of labor to them is far less than it is with us. The cost of labor has been going up steadily, and we have reached just about the limit, I think. We can not increase the price of slate; we must simply leave it where it is, gentlemen. And I want to say that we consider that this bill will really infringe on our rights. We feel that we should be permitted to sell to the Government; we feel that we should not be forced to any specific length of working hours. We would prefer to leave it to our own men. At the present time all the fields are working more than eight hours. Most of the slate, I would say here, is produced in Pennsylvania, in New York State, Vermont, Maine, Maryland, and Virginia. I say Maryland; it is almost in Pennsylvania; it is right on the line. In every State they are working ten hours, with the exception of one district in the State of Pennsylvania, which is known as the Bunker district, where they are working nine hours.

Mr. EMERY. Are those the hours in the manufacture or in the quarries?

Mr. ADAMS. Both. They all worked eleven hours until, I believe, a year ago.

Mr. EMERY. Can you state, in passing, the approximate number of employees working for members of the national association?

Mr. ADAMS. I do not think I am qualified to say that.

Mr. EMERY. Even approximately?

Mr. ADAMS. No; I would not like to say that. Our association is a very young one, and I am not prepared to say just how many members it has.

Mr. EMERY. It has a large number, though?

Mr. ADAMS. Oh, yes; a very large number. I should say probably the amount of capital invested is 60 to 70 per cent of the capital invested in all the slate in those States, and probably the number of men would be 70 per cent of all the slate workers.

Mr. EMERY. And the association practically represents all the sources of the supply of slate?

Mr. ADAMS. Practically, yes, sir; all the main ones. There is slate found in two or three other States, but the quantity is so small that it does not amount to anything. Perhaps one man will have one quarry in a State, or something of that sort. It has not been developed in the other States.

Mr. EMERY. The industry is one which is now only in the period of development?

Mr. ADAMS. Oh, yes; but at the same time in the State of Maine it has probably reached its full development; that is, there will probably be no more companies springing up. Those companies that have the quarries there probably have quite a lot of supply, but at the same time I doubt whether there will be other companies coming in there, because as I understand it the inducement is not sufficient.

Mr. HASKINS. In how many different towns in Vermont is slate found?

Mr. ADAMS. In Fair Haven, Poultney, Castleton, Northfield, West Firth, and I do not know if there are any down in the Middleton township or not.

Mr. HASKINS. Then in New York State, also?

Mr. ADAMS. Yes; in New York State, in Granville.

Mr. HASKINS. How many men are there employed in that industry?

Mr. ADAMS. In the Vermont field?

Mr. HASKINS. In the Vermont field and Granville and Washington, in that big section.

Mr. ADAMS. I should say 4,000. A large mill, so to speak, would only employ 30 men, gentlemen, so that it is on account of the large-sized machines which we use.

Mr. HASKINS. Roofing slate, such as the Government requires for buildings, could be purchased in the open market, could it not?

Mr. ADAMS. Can that be bought in the open market?

Mr. HASKINS. Yes.

Mr. ADAMS. No; I should not think it could be. It would have to be on Government specifications, and people do not keep those in stock.

Mr. HASKINS. They have a particular size of slate and a particular color?

Mr. ADAMS. Yes.

Mr. HASKINS. And a particular thickness?

Mr. ADAMS. A particular size, color, and thickness. For instance, the specifications might read this way: Five hundred squares of No. 1, unfading green slate, three-sixteenths thick, and size 20 by 10; or it might read: Quarter-inch—or whatever it is—Borden counter-sign.

Mr. HASKINS. Are those slates inspected by some Government inspector before they are accepted?

Mr. ADAMS. Yes; before they are accepted, but not before they are shipped. Yes, indeed; they are very particular with them. The least little flaw on a Government job is usually detected.

On behalf of these two associations that I represent I would like to ask you to consider the bill in reference to our business interests, which are really opposed to the bill.

Mr. HASKINS. You work ten hours, you say?

Mr. ADAMS. Ten hours a day; yes, sir.

Mr. HASKINS. Do you work overtime?

Mr. ADAMS. Yes; we work overtime sometimes.

Mr. HASKINS. Do the men want to work overtime, or do you require them to?

Mr. ADAMS. We never require them. We ask them sometimes if they would like to work overtime, and the answer almost invariably is yes.

Mr. EMERY. Has any request or demand ever been made upon you, or upon the State or the national association, so far as you know, for a rigid eight-hour day in that industry?

Mr. ADAMS. Not for an eight-hour day; no, sir; not so far as I know.

Mr. HASKINS. Do you think your men would acquiesce willingly in an eight-hour day?

Mr. ADAMS. The men we have working for us to-day, I can assure you, would not acquiesce. In fact, if I had showed them this bill, I know that they would have asked me very strongly to oppose it.

#### STATEMENT OF MR. WILLIAM D. FORBES.

Mr. FORBES. Mr. Chairman and gentlemen, my business is that of manufacturing auxiliary machinery for ships and high-speed engines. I have been in the business at Hoboken, N. J., for the past sixteen years. I have in my employ men who came with me the first day that I opened my shop. I have come here to protest against this bill as a manufacturer, and to protest against it as it is something that the workmen do not want, and I can not approve it. Some years ago, as one interested in education, as a member of the State board of education of New Jersey, and as vice-president of our local manual-training school, I got the idea that men were overworked; that they did not have time enough to improve their minds. I thought it over, and finally I posted a notice in my shop that after a certain date we would work nine hours a day. I began the nine-hour work, and after two weeks or a little more my workmen came to me through a representative and said: "Mr. Forbes, this nine-hour day is not satisfactory to us as we work it at all. We are much obliged to you for thinking of us, but we would like to have some other arrangement; a

half an hour later in the morning and a half an hour earlier at night splits up the time and it is of no value to us." I said: "What do you want?" They said: "You make a fifty-four hour a week system. We would be glad to work fifty-five hours at the same price, provided you work ten hours a day and stop at 12 o'clock on Saturday. When I had thought it over I said: "That is very good, but fifty-five hours a week is not fifty-four hours a week. I propose to try the fifty-four hours, and you will work ten hours a day, and we will stop at 11 o'clock on Saturday;" and we have done that ever since, and it is highly satisfactory. That proves to you that the idea of the bill being so good for the workman is not a correct conception of the fact.

I worked all over the world. I was born in the United States and I was brought up abroad, and I worked on the Continent and in Scotland and England, and I know workingmen. Besides being a graduate of a technical school, I learned my trade at the bench and learned it by skinned knuckles and hard work, and I know what it is to earn wages and get along. I have always been interested in education, and owing to the fact that I had an education, I have almost invariably had night schools of my own, not charging anything, but merely to assist those in the shop, my fellow workmen, to a better understanding of their work. I argued, gentlemen, that on the nine-hour system my evening school in Hoboken would be overwhelmed with the men who desired to know more, who wanted to lift themselves up and get knowledge and get along. Outside of noticing a very great increase in the support of the national game of baseball, and an additional support to the saloons, I have seen no result from the nine-hour day, none whatever.

I work for the Government, for the United States Navy. The United States Navy, as you well understand, is conducted on a system of bureaus. If I take a contract from the Bureau of Equipment today that bill would not quite apply to me, because that bureau says to me, "Mr. Forbes, we wish an electric-light engine such as you furnished to the *Connecticut*," or such as we furnished to other ships; and I can go out in the open market and I can buy a great deal of what goes into that engine. They do not make any provision for the quality of the material; they look absolutely to results. I therefore would go out and buy fittings and put them in the engine, and as long as the engine functions and meets the specifications and other things, which are very light, it is all right. If the Bureau of Construction and Repair or the Bureau of Steam Engineering asks me to build, as I am now building for the destroyers, certain engines, they specify every single detail, and they are very exacting, and that makes their work very expensive. For example, in building them some ice machines, I paid the Midvale Steel Company \$417 for a crank. I paid to McDougal & Potter, of New York, for the same crank for the Standard Oil Company, quite an exacting corporation, and getting good stuff, \$60 for the same thing. That illustrates the principle. Now, it is self-evident that if I want to continue in Government work under a system which says to me that I must work only eight hours on Government work, I will have to discard my commercial work. I could not make any ice machines for the Standard Oil Company or anybody else.

The CHAIRMAN. Will you please put in the record a little more in detail the cause of the difference in cost of those cranks?

Mr. FORBES. Will you permit me to do that a moment later?

The CHAIRMAN. Yes.

Mr. FORBES. I would therefore have to throw away my commercial work, and my Government work has run as high in some years as 80 per cent of my possible product and has dropped as low as 10 per cent. It is generally with the Government a feast or a famine. Now, why the bureaus differ in their systems I can not say, but they do; but the reason why that crank cost us so much more is this: In the first place, I have to take about three times as long to make out every order. I have to send nine sets of blueprints for that order. I have to go to the people who really know Government work and beseech them—beseech is the right word, gentlemen—to make these smaller articles, because they are not very profitable. The forgings, when they are not in large quantities and are light, are not very satisfactory in a money way. They specify a grade of steel which has nickel in it, which has to be treated with extreme care. When that order goes in they can do nothing until everything is in proper order so that they can trace it. Every inspector there has to put his stamp upon it as it goes through, and when I tell you the enormous price of that crank I add to it the fact that I was pretty nearly seven months in getting those two cranks, and I was about ten days in getting the one that I furnished to the Standard Oil Company. That shows the difference.

We are all taxpayers. Your bill practically says to us, "Put up the price of your work, if you are going to do the Government work, so much." How much are you going to put it up? In my own shops the books will clearly show that in the first three weeks when I went on eight hours I got actually more work than on the ten-hour system. That pleased me. I thought I was on the right road. I went to the eight hours because in my experience I found that the greatest mistakes made by my concern, by me and others, generally were made after 3 o'clock in the afternoon. I therefore thought we were working the men too long. I thought they would keep up the pace they said they could, and we would go along on nine hours. Inside of two months I was doing just 11 per cent more work. Now, you know, you practical men, that you can not make a cent of money on a loose pulley. You have got to keep your machine going and producing stuff, or you can not make any money.

Referring again to the cost of articles: If I am furnishing the Bureau of Equipment a steam engine for driving their electric lights, it is practically the commercial price on that engine, barring the fact that we have to furnish a little more in spare parts, which they are of course willing to pay for, and do pay for. But when I come to the Bureau of Steam Engineering, or the Bureau of Construction and Repair, it goes up just about 200 per cent. I have illustrated that by the instance of that crank. It is the thing of the utmost importance that our Government shall get its work well done, of course, and at a reasonable price, and by this bill you are asking us taxpayers to give up, according to my figures, about 11 per cent to make good.

Mr. EMERY. A moment ago you referred to your nine-hour day and you said you got 11 per cent more work. Did you mean less work?

Mr. FORBES. No, sir; I did not intend to give that idea. I say I got more work for the first two or three weeks, because the men started quickly and did not stop so quickly; but they soon struck their old pace, immediately afterwards. The novelty wore off, and it was just the same.

Mr. EMERY. After that you got 11 per cent less?

Mr. FORBES. Yes; 11 per cent less. In my entire year it showed about 11 per cent. I have had one strike in my shop, but generally I get along very well with the labor unions, and I get along very well with real laborers, too. I have been among them. I understand my business, and consequently we do not have differences from misunderstandings. We understand what we are talking about, as we are both machinists. But this bill, gentlemen, is one that tends toward a universal eight-hour day. Everybody is to work it. While I have had no direct demands made absolutely, when I was having my strike the committee told me that they seriously objected to my system of working ten hours a day and stopping at 11 o'clock on Saturday, because it proved practically their assertions that the eight-hour day would be such a great benefit to the workingman. In England and Scotland, overrun as they are with labor organizations and demands, they actually cut out of existence the bill for a universal eight-hour day. There it is in the Sun; that they would not consider it, and it was sidetracked.

Now, Mr. Chairman, you and I belong to the same State. We are interested in that State, and that great industry near Camden there is doing the heft of its work for the Government, as all other yards are that build ships, and on the chest of that just breathing corpse, the American shipbuilding industry, you want to unload another weight to crush it, and let it die. On the escutcheon of our nation are the words "Liberty and prosperity." If you introduce this bill and carry it through you are cutting off our liberty and crushing our prosperity, and I beseech you as a man who stands among workmen, as a manufacturer, not to let it go further.

#### ADDITIONAL STATEMENT OF MR. GEORGE R. HOWE.

Mr. HOWE. Will you pardon me for just another word? I have been greatly interested in what Mr. Forbes has had to say. I have had the same experience in our own factory. Three years ago the Manufacturing Jewelers' Association of the city of Newark decided voluntarily to reduce the working hours to fifty-four or fifty-five hours a week, either to work nine hours a day straight for the five days or ten hours a day for the five days and a five-hour day on Saturday. We put that matter to a vote by ballot of the 300 hands in our factory, and more than two-thirds majority said they preferred ten hours a day. They said, "We want Saturday afternoon. To give us half an hour morning and evening is of no earthly account whatever. The jewelers in Newark are running on that plan, not exceeding fifty-four hours a week. Where they stop Saturday afternoon they really get a little more. During the six months after our force was put on nine hours I kept a most systematic, careful account of the amount of product produced, and I found that our goods increased in cost on the basis of wages paid when the change was in-

roduced, not taking into account the advance in wages which was paid consecutively during that six months, just about  $8\frac{1}{2}$  per cent over what they were when they worked ten hours.

#### STATEMENT OF MR. WALLACE DOWNEY.

MR. DOWNEY. Mr. Chairman and gentlemen, I am here representing the National Metal Trades' Association. I am a member of the New York and New Jersey branch of that association. The general body exists all over the country, and in the aggregate represents, probably, about 100,000 employees. We have been in the habit of late years of getting along very happily with labor unions, making contracts with the unions representing their men, and while we have had more or less strikes we are getting on a better basis all the time, and I want to say for all of the employers represented in this National Metal Trades' Association that they are opposed to the passage of this bill, and for practically the same reasons that have been so ably put forth here to-day by different manufacturers, that it will certainly result in great disorder and disorganization of the present manufacturing system. There are scattered over the country some people working ten hours, some working nine hours, and some eight hours, and so on, and a great many that are doing more or less Government work; and, as has been well said here, the passage of that bill, the establishment of an arbitrary eight-hour day with no leeway to come and go on, would make it necessary for the manufacturer to choose as between his Government work and his commercial work, and it would be practically impossible for him to operate his business systematically and successfully on the two systems of hours, eight hours and nine or ten hours.

I would like to say that personally I have absolutely no prejudice against any efforts of labor unionism to benefit itself in any way. I believe in labor unionism, and I am heartily in accord with all their efforts to improve the general conditions, and I am heartily in favor of the highest rates of wages and the shortest working hours for American workmen that are compatible with successful and permanent maintenance of business in the United States against all other countries, but I believe that it is a very, very small majority of labor unionism that is behind this bill, and I do not think it is the great laboring masses that are asking for an arbitrary eight-hour day. There are always in all organizations some few men that get behind an idea of that kind, and they push it, and the mass of the organization does not get in very close touch with such a movement, and really they do not understand how it would affect the industry of the country economically. Able lawyers have read the bill, manufacturers have read it, and no doubt workmen have read it. But while I pretend to have no very great penetrative powers, I can not understand how manufacturers, workmen, and the Government could intelligently carry out a contract under that bill without complications that would almost inevitably have to be settled in the courts, because there are so many ramifications and there are so many technicalities that it would be impossible to settle a dispute arising out of that bill without going to the court. Take two manufacturers getting into trouble over that bill, and they might sit down and settle the thing to suit themselves, and while it might not be in absolute accordance

with the law, they might save themselves a lawsuit in that way. But when the Government makes a contract and you come to the final settlement of your bills—and this bill contemplates holding up payments due until such questions are settled—the contractor would come up against the authorities here in Washington who have that money in hand, and he would be told, “Well, we have no authority to say anything one way or the other, whether you shall have this money or whether you shall not. We would like to give it to you, but we will have to have a court’s decision in the matter to clear our skirts.” I had that happen in a Government contract a few years ago, where everybody representing the Government side of the contract admitted that I was entitled to the money as a matter of moral right, and all that sort of thing, but technically they said it must go to the Court of Claims to be settled; and that is about ten years ago, and it is still in the Court of Claims. If that bill were passed, inside of a very few years the Court of Claims would certainly be loaded up with cases of that kind, of money being held up because of a dispute over the hours, and it could never be settled outside of the Court of Claims.

We object to the bill on the basis that it is not intelligible. We can not tell what it means. We object to it on the basis that it certainly will upset the present system of industry, which is the outgrowth of evolution, coming through centuries, almost. I want, also, to oppose it particularly from an economic standpoint. In the case of our interests, the interests of the United States against all other countries in industry, we have got to take that position. The brotherhood of man is a very fine sentiment, but when it comes down to business we have got to oppose all our competitors. The reduction of hours of labor in this country of one hour per day would mean a reduction of at least 12 per cent. That is just a simple mathematical calculation, the price per hour remaining the same; and then I think from the general upset that it would make it would make an additional cost perhaps of 20 per cent. The export business of this country amounts, of course, as you all know, to tens of millions of dollars per year, and as some of the gentlemen here have said, that export certain amounts of their goods, those goods are manufactured now in competition with Germany and other countries, and I know that a great majority of our foreign exports are sold on a very, very fine margin of profit. In some cases they are sold without any profit, they are the surplus production of our mills. It is better to sell them to foreigners and bring the foreign money here and keep our men going than it is to knock the men off and shut the mills down. An enormous amount of our foreign export trade is made up of such stuff as that. Now, suppose that we were going to limit the amount of profit still further. A vast amount of our export trade, an enormous amount of it, is hanging on a very thin margin of 5 or 10 per cent, possibly, and if you reduced the producing capacity of the men 10 per cent by an arbitrary regulation of the hours that would add to the cost of the goods 10 to 15 per cent, it must pull down an enormous part of the export business and destroy it. As one of these gentlemen said, if you add 10 or 15 per cent to the cost of his goods, that he is manufacturing in competition with Germany, he is absolutely wiped out of the proposition; he can not do it. He is only one man representing tens of thousands of men in this country.



It has been claimed by representatives of labor that we will get just as much work in an eight-hour day as we do in a nine-hour day, because the men in that shorter time will work more efficiently, and their product will be just as large. That is one of the greatest fallacies in the world, and as you gentlemen of the committee possibly are not manufacturers I would like to illustrate that in this simple way. The men are knocked off now between 12 and 1 o'clock in the day, but this afternoon there will be tens of thousands of machine tools operating lathes revolving a certain number of times per minute, and other machine tools making a certain number of revolutions per minute, and those tools can only produce so much per hour. You can not hurry them any faster. They just produce so many units per hour or per day. Alongside of those tens of thousands of tools there are mechanics standing, tending them, not working very laboriously, either, but they must be there to attend to the tools. You can understand very easily that if instead of all of those tools working up until 5 o'clock to-night they should be knocked off at 4 o'clock, even though the laboring masses of the country were willing to produce the same amount in eight hours as they have been producing in nine hours, they can not produce it when those tools are stopped. That enormous number of machine tools is working in this country, and if you knock the men off it would stop their work and produce a decrease to that extent; and a decrease in the production of this country has the result of stopping the whole of the tools running. Supposing we had a universal eight-hour day; that decrease would be something so fabulous that it would astound you if put into figures. It would be billions of dollars a year. We do not say that if that was done the manufacturer would lose it all. The manufacturer can not lose it all. It will put the manufacturers out of business; they could not stand it. But the loss must fall upon some one, either upon the consumer or the purchaser of the goods, or upon the laboring masses by way of reduction of wages.

There are only two sides to the question. If we lost a great amount of our export business that undoubtedly would fall directly upon the laboring masses in weekly decreases in pay rolls. There can be no doubt about that. It is illustrated here in our shipyards to-day. If conditions existed in this country that would make shipbuilding possible on a large scale, as it is in England and Scotland, we would have an army of splendid workmen working in the shipyards. There are a few shipyards running in the country, and running in deplorable shape. I believe to-day that as a pure, simple, profitable commercial proposition, there is not a shipyard on the Atlantic coast or on the Pacific coast of the United States that has got any reason for existing as a profit-making organization. Now, that is a hard thing to say, almost, in a country of this kind, but I believe it is a fact, that if it was brought down to a cold-blooded proposition of settling up and saying "Will we run this yard as a profit-making concern, or will we shut it down," they would shut it down. They have been running on hopes, hopes of a subsidy bill, or something of the kind, and they are just running on hopes; and any action on the part of the workmen or upon the part of the Government or upon the part of the manufacturers that tends to increase our expense of production to-day is bound inevitably to work against us all in a loss. I am perfectly satisfied to-day that the employer of the country, while

he is practically the only man who is here opposing this bill, can afford to have that eight-hour bill pass better than the working masses of the country can afford to have it pass. I am perfectly satisfied of that, because the employer after all is only the agent between the producing masses and the consuming masses, and he is going to stay there under some conditions. The workman has got to work and the consumer has got to consume, and the manufacturer, whether his cost is raised or lowered, is going to stay under some conditions; but it is the working masses that want to be taken into consideration, whether they are going to earn three or four additional billions of pay roll a year. Certainly, after all, the prosperity of this country is represented in the pay rolls paid out in great masses on Saturday nights to the workmen. The employer, if he makes 10 or 15 or 20 per cent profit, is all right. He is absolutely necessary in the situation. But he could be put out, possibly, without killing the country altogether. But you can not put out millions of workmen. They furnish the sinew; they furnish the whole business, and the higher their pay rolls are the better, no question about it.

I am in hearty accord with the general tendency of increasing the pay to the great masses of the working people; but I am in deadly opposition to anything that will decrease the productive efficiency of the individual. As an economic proposition it is a deadly policy. While I have said that I am in hearty accord with labor unionism as a principle, I am in flat opposition to a large part of the policy pursued by labor unionism; and they are not doing it purposely. The restriction of output, the limitation of efficiency, or anything that tends to decrease the productive qualities of workmen is fatal. It is one of the most idiotic policies in the world. I have discussed the question hundreds of times. The man who represents labor says, "We want to let these two men work less hours, so as to make a place for the third man." That is the theory upon which this is based. Well, it is simply mad. So that you may understand it better possibly, we will take an area of 5 acres in some part of the country, and we will say that we will put five men on those 5 acres to produce something, dig coal or farm it, or whatever you like, and they do it for some years and make a nice little living. Now, imagine some theoretical gentleman coming along, conscientiously working for the benefit of mankind, and saying to these five men on these 5 acres, "Now, you have been working ten hours a day. Let each of you only work nine hours a day in the future, and that will make an opportunity for another man, so that we will have six men on these 5 acres instead of five men," and they could take that one man on and possibly not feel it very much. Six months afterwards he may come again and say, "Now decrease your hours again and make room for another man," and they do it and put on another one. Then after a little while some other fellow will come along and say, "Decrease your hours again and put on another man." That is a limitation of output, a restriction of output, and it is decreasing efficiency, and if they go on putting on men onto that 5 acres under that policy, the men are going to have to be eating each other sooner or later. The result is inevitable under that principle of restricting what one man does to make room for another.

Now, if this gentleman who is possibly conscientiously working to benefit these men would say, "Go on and increase your production

on this 5 acres so that instead of earning what you are earning this week you will earn half as much again next week," so that when the week is finished those men have half as much money again to spend, and then they make another job for some other man on the outside and develop the world in some other direction and increase the production universally, that policy means increased efficiency. Increased efficiency will make a job for the other man, but decreased efficiency only makes a job for the other man of that kind, and eventually, sooner or later, he is going to have to starve if they carry it to the extreme. This bill here has been introduced more or less in that spirit, of reducing the number of hours.

This gentleman here [indicating Mr. Crane], I think, said that he was running a mill that had to be run night and day by two shifts, which means twelve hours to a shift. This gentleman says to him, "Why do you not run it on three shifts of eight hours each?" Now, if he did, that would mean one-third more men in that mill. That must mean, on final analysis, that either the men who were in the mill before must have their wages reduced to make room for the other third of the men, or the expenses of running the mill must be increased one-third. That is inevitable. If the expenses of running the mill are increased one-third, if this gentleman remains in business it means that you and I, or the Government, or whoever buys the produce of that mill must pay an increased price.

Some other mill might be manufacturing shoes or hats or stockings or flour, or whatever it might be that those workmen themselves are buying, and that policy means for the workmen to try to lift themselves by their boot straps, and they can not do it. If by adding one-third to the crew working you increase the cost and their fellow-workmen in the factory next door have got to pay the increased price, it comes right back to the workmen themselves. So I am perfectly satisfied, from the study of the industrial history of the world running back through centuries, that it is infinitely better to let this relation of employer and employee in regard to hours, and so forth, be worked out through the law of evolution, through economic laws, than it is to try to arbitrarily regulate it by statute, because the whole of our relations are now practically the result of evolution, the whole universe is the result of evolution, and not the result of arbitrary legislation. But if you pass that law in the United States and make an eight-hour day on all Government work, the inevitable result will be that labor unionism enthusiastically will try to force an eight-hour day, to make it universal. I would be delighted to see an eight-hour day universal if economically I believed we could stand it together; that is, employers and workmen, and the consumers—the public, but I do not believe we can. It does not seem to be a reasonable, sensible thing for us to do. We are competing with Germany and England and France, and Japan is coming into the commercial world as a tremendous competitor in the future. Those people have long hours and awfully low rates of wages, and we want to be looking ahead not for one year or two years, but for one hundred years, in industry. Japan, commercially, was born inside of the last half century, and to-day she can build a battle ship and put her in fighting condition in half the time that we can do it in the United States. Now, there is some reason for it.

The CHAIRMAN. I would not put that into the record without investigation.

Mr. DOWNEY. Perhaps it would be better not to. I will just say roughly that I think the *Satsuma*, and Mr. Ford can say better about that than I can, was put in fighting condition within eighteen months after the contract was let.

Mr. FORD. That was the published statement.

Mr. DOWNEY. I do not know, of course, except from the published statement. But if it was two years, or twenty or thirty months, it is very much less than the time we would require to do it.

The CHAIRMAN. So far as we know, their construction is no quicker. The time in building a battle ship, if you do not go into details, is a very illusory proposition. In Japan, from the best information we have, they have some subsidized shops and they plan a battle ship and she is built, all but the assembling, before the keel is laid.

Mr. DOWNEY. That is a rather small part of building a ship. I know, because I have built them.

The CHAIRMAN. It can be done in a very short time.

Mr. DOWNEY. People have excused the slow progress in that way, trying to make a better comparison between our production here and that abroad; but I do not think it covers the whole field. The same thing applies in England with a cargo ship. They can build it and deliver it within a very much shorter period than we can in this country. All things taken together, it means that they have developed everything there so that they can make better progress than we do here.

I know you gentlemen want to adjourn and I just want to remind you about this: That this bill does not mean increase in the efficiency of the great working masses of this country; there is absolutely no doubt about that; and I would recall to your mind that in our colleges and schools everywhere we are telling young men who are going to be mental workers—and they are on all fours with the manual workers so far as the aggregate is concerned—that they must be energetic and that they must develop themselves to the highest possible efficiency. I just want to impress upon you that point in regard to the tremendous mistake of doing anything that will reduce the producing efficiency of the masses of mechanics of this country. As I was saying, in every other walk of life we are trying to impress upon the young men the absolute necessity of developing themselves to the limit, and in our machines we are pursuing the same policy of pushing everything to the limit in producing efficiency, and here we are seriously considering passing a law that everybody admits, who knows anything on the subject and is fair-minded, will decrease the producing efficiency of the working masses of the country 10 or 15 or 20 per cent, and such legislation, gentlemen, is absolutely opposed to the policy of all other walks of life in the United States. I might even say that this comes down to legislators; their constituents expect them to be up and doing. They do not want them to decrease their efficiency. I speak for the employers, and I speak in the interests of the employers and of the workmen of the United States when I say to you that it will be a gigantic mistake to pass an arbitrary law to restrict the productive efficiency of the masses of laborers in the country, and while I have no doubt that labor representatives will stand

here and say that that is one of the greatest boons that could possibly be furnished to the working masses, I assure you that it will be not a boon, it will be a boomerang to the working masses, and just as some of these gentlemen have said, their men have come back to them after reducing hours, when they have had time to realize that their pay roll was reduced, and have asked for an increase of the hours again. That has happened hundreds of times. As soon as a man realizes that it means less money for him on Saturday night he wants the increased hours again.

A short time ago in New York a lot of Italian laborers were put on nine hours instead of a ten-hour day. They thought that it was splendid to work only nine hours, but when they got their pay Saturday night and found that they had only nine hours' pay, they struck, and they almost had a riot trying to get the ten hours back. The labor men of the country have not thought of that bill deeply. Superficially it looks splendid to work an hour less, but economically they would rebel against it when they realized what the result would be. The result must be either a decrease in their weekly earnings or an increase in their weekly expenditures, one or the other. If we do anything to reduce their producing capacity, that must reduce their wages, or they must pay more for the goods which they purchase. There is no way to get out of it. The hour each day which they do not work is no good to the men, and if they get the same pay for the same number of hours, it must make the goods which they purchase cost them more, and if that takes effect in the shoe store and the hat store and all around, the workmen ultimately must pay the bills. So, from the standpoint of a disturbance of business, it is a bad thing—the principle of trying to substitute statute law for economic law is a bad thing—and the policy of restricting the efficiency of the workman, either a manual workman or a mental workman, or restricting the efficiency of a machine is very bad policy, indeed.

Thank you, gentlemen, for your attention.

At 1 o'clock p. m. the committee adjourned until to-morrow, Friday, March 20, 1908, at 10.30 o'clock a. m.

Friday, March 20, 1908, no meeting of subcommittee No. 1 to consider H. R. 15651.

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SUBCOMMITTEE ON LABOR, No. 1,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, March 24, 1908.*

The committee met at 2 o'clock p. m., Hon. John J. Gardner (chairman) in the chair.

**STATEMENT OF MR. JAMES W. VAN CLEEVE.**

MR. VAN CLEEVE. Mr. Chairman and gentlemen of the committee, it is not my purpose to make any attempt to discuss this bill in its particular lines, but rather to make a few comments from the standpoint of its general aspect. I desire to say, first, that I am here representing, as you doubtless know, the National Association of Manufacturers, and incidentally more than 100 kindred associations

throughout the country of business men and manufacturers generally, and I believe that I can safely say that these associations represent fully 50 per cent of the capital employed by manufacturers in this country, and that they employ fully 50 per cent of the work people of this country. In the many discussions that I have heard of these bills, or what are commonly known as eight-hour bills, the thought has always been uppermost, and the general trend of thought seemed to be always, that any eight-hour bill or any law that attempted to limit the rights of the people to work any number of hours during the day was wrong in principle, in this free country. The direct effect of such a law, if it became general—and we regard this bill as merely an entering wedge, as it were, to the general proposition—would be to inevitably reduce the earning power of the work people, themselves. It would not only reduce the earning power of the work people but it would reduce the present capacity of our factories. A reduction from ten hours to eight hours would make a 20 per cent reduction in the capacity of our factories. To illustrate that thought, suppose that the manufacturers of this country should to-morrow arbitrarily reduce their work hours as a standard to eight hours per day; whether they immediately reduce their wage scale 20 per cent at the moment or not, the fact would remain that if they were in competition in any way with the world's markets, it would only be a question of time when they must reduce their wage scale 20 per cent, thus reducing the earning power of the man.

If the manufacturers of this country should to-morrow arbitrarily reduce the output of their factories, the capacity of their factories, 20 per cent, they would then be confronted with two things. If they did not reduce their wage scale they would be confronted with an increased cost of goods, an increased cost on their production, and the effect of it would be that in seeking the markets of the world they would have no chance whatever to distribute, or to make markets, in competition with Germany and England and other producers of manufactured products. I have always held that no attempt should ever be made by government to limit a man's right to contract for his labor, on the grounds that it interfered with his liberty and fixed by law his earning power, limiting his power to protect his family. It is a well-known fact, demonstrated by an automatic machine, that no man can do as much work in eight hours as he can do in nine or ten hours, and when you say to him that he shall not work but eight hours a day, you necessarily take away from him and limit his right and his opportunities to earn a living, and comforts, and a competency for his family while he is able to work.

In all of these discussions on this subject I have never yet heard of any consideration being given the agriculturalists, the farmers, in round numbers, 39,000,000, probably, of workers, eight or nine millions of people in this country; and now I submit it to you, gentlemen, what would become of our farming communities if their hours of work were fixed at eight per day in each calendar twenty-four hours? Now, if it is true of the farmer, for precisely the same reason it is true of the mechanic, the workman, whether a laborer or a skilled artisan; and why should Congress attempt to say to the people of this country, "You shall work eight hours a day and port your family on the products of eight hours' labor, and no more or you shall be submitted—either you or your employer—to a fin

violation of such a law?" Gentlemen, the whole question has always seemed to me to be one, if I may use the term, of sentiment, pure and simple. I suppose the idea originated in the old division of time, eight hours to work, eight hours to play, and eight to sleep; but in this modern day the men who are making the successes in the world and in this country are not men who limit their time to eight hours per day. The mechanic, the artisan, who will be the employer tomorrow, is not the man who limits his work hours to eight or ten, or even twelve; and I do not believe that Congress should make any attempt whatsoever by statute to limit the right of men to work or to employ more than eight hours a day, or any other fixed time of employment.

I am willing to admit, and I am sure that you gentlemen will appreciate the admission, that the trend of the time, of the age, brought about by the interlacing of interests between the employer and the worker, is in the direction of a reduction of work hours. We all know from history that the work hour used to be from sunrise to sundown. Those conditions have all been adjusted, and they have been adjusted by the environments of a community or a State or a nation, and there can be, as I see this matter, no reason why the work hour should be fixed by statute, and no justice in so fixing it.

Again, it is a well-known fact that this country to-day is confronted, industrially, with the necessity of finding a wider and a larger foreign market for our products. We are in that effort in competition with Germany and England, two of the greatest producers of manufactured commodities in the world, and I ask you gentlemen how we can go to South America, or to Mexico, which is right at our threshold here, and compete with Germany and with England as against two conditions, and particularly true with reference to Germany? One of the most important things is this. For instance, in the one little State of Saxony there are 280 trade schools, training their children in manual training from the time they are 10 years of age until they can go to work. There are not 280 of those schools in this whole country, from ocean to ocean, and from the Lakes to the Gulf. I do not wish to get into any discussion as to the hours of labor in the various countries, but, as I understand, Germany has a ten-hour day, and with the skilled mechanics of Germany, how can we go to Mexico and South America and compete with Germany with an eight-hour statutory law in this country? Gentlemen, the problem that is before the American people to-day in the matter of its industries is not in the direction of restriction by law, but it should be in the direction of expansion from every standpoint.

I want to go back for a moment to the effect that an eight-hour day would have upon the work people, the great mass of workers in this country, and ask you gentlemen to consider how it would be possible for us to maintain our position in the world's markets if we insisted upon these American workmen confining their hours of labor to eight; how we could increase their cost of living and decrease their earning power, and expect them to raise their families as American children should be raised. We are proud of our country; we are proud of our schools and of our facilities for education in all of our industrial centers. Public schools are as common in a general way as it is possible for them to be in our industrial centers; but we are overlooking, as I said a moment ago, the fact that we are not training

our boys as Germany is training her sons, and for that reason, and for many other reasons, gentlemen, it seems to me that the enactment of this bill would be a step in the wrong direction; and there is where my objection to it comes in, not from the technical standpoint. The enactment of this bill would be a long stride in the direction of the fixing of the working hours of the people of this country at eight hours, thereby practically destroying, in my opinion, what little supremacy we may have, if we have any, in the foreign markets of the world.

Mr. EMERY. While you are on that subject, as a manufacturer and representative of large manufacturers, would you say that competition for the foreign markets is keen and close at the present time?

Mr. VAN CLEAVE. Why, my dear sir, the competition in this day and age is so keen everywhere that in all countries where the products of our factories go, if any profit at all is to found, it is a bare commission. Goods are not sold, as you know, gentlemen, in foreign markets as many of the manufacturers of this country may sell their products, that is to say by reputation, through advertising, or through good will and general public opinion, and we have to go into the foreign markets with that hat [indicating] looking as much like all other hats as two peas out of a pod, and the question is, "What is the price?" Does that answer your question, sir?

Mr. EMERY. Yes.

Mr. VAN CLEAVE. Now, gentlemen, I should be glad to have such questions asked me. We might, in that way, possibly develop the thoughts that I have.

Mr. DAVENPORT. I would like to ask Mr. Van Cleave a question or two. I listened with a good deal of interest to your statement that this was a great country, and we are very proud of it. Is not the thing that we ought to be the most proud of the fact that it is a free country?

Mr. VAN CLEAVE. Surely.

Mr. DAVENPORT. What would you think of a law that would forbid the employer running his machines in which he has invested his capital more than eight hours in any one day? Would you not consider that an unconstitutional invasion of the liberty and property rights of the owner of that machine?

Mr. VAN CLEAVE. I could not see it in any other light, because the effect of it is to take away from the employer the earning power of that machine. To put it another way, the machine cost \$1,000, and it should earn something on that investment.

Mr. DAVENPORT. In other words, it amounts to a confiscation—it would amount to a confiscation—of the value of the machinery and the plants of this country for the use during all the day over eight hours?

Mr. VAN CLEAVE. Yes, sir; it would.

Mr. DAVENPORT. On the other hand, do you not regard the control of the workingman over his time and his energy and his skill as his property?

Mr. VAN CLEAVE. Absolutely so.

Mr. DAVENPORT. Would you not regard a law which deprived him of the use of his capital for more than eight hours a day as equally an invasion of his liberty?



Mr. VAN CLEAVE. I certainly do.

Mr. DAVENPORT. Then I judge from your remarks that the purpose and scope of this bill, as you understand it, is to strip both the employer and the employee of their constitutional rights in their possessions?

Mr. VAN CLEAVE. That is my understanding of the ultimate end of this kind of legislation.

Mr. DAVENPORT. Do you think, Mr. Van Cleave, from your wide acquaintance with both employers and employees, that such an invasion of their liberties would be popular among them if they understood the scope of such a bill?

Mr. VAN CLEAVE. Why, I do not see how it could possibly be popular with any man who is intelligent enough to follow the effect of such legislation to its natural end; and it seems to me that if the work people and the artisans, the laborers, could be made to see the effect of such a law on their future, they could not stand for it.

Mr. EMERY. Would you say as a manufacturer, as a representative of the large manufacturers of the country, that they personally, from the standpoint of the employers, are interested in making it possible for their workmen to earn more or less money?

Mr. VAN CLEAVE. Why, sir, I am sure that I express unqualifiedly the opinion of every manufacturer and employer in this country to the effect that he would be glad to increase the earnings of his workmen.

Mr. EMERY. Why, particularly?

Mr. VAN CLEAVE. Why? First, because it makes better men of them and enables them to raise their children and keep their families in comforts, and so forth; and furthermore it enables them to do many things to increase the value of general conditions throughout the country.

Mr. EMERY. Then you would not have any opposition to an eight-hour day on the ground that it tended to increase wages?

Mr. VAN CLEAVE. Not a bit. In the first place, there is no tendency in that direction to increase wages. The whole tendency is in the other direction, because a man can not expect to get something for nothing, and he can not do more than eight hours' work in eight hours. Therefore the tendency must be in the direction of decreasing the earning power of the working people of the country.

Mr. EMERY. Then if it was necessary to reduce wages, if you came from a nine-hour schedule to an eight-hour schedule you would reduce them on the ground that the cost of your product had been increased?

Mr. VAN CLEAVE. Wages are not decreased as a rule from that standpoint. The conditions that decrease wages become a general condition. It is as it is at the present moment; the whole country is suffering from a depression. Business is in a large degree at a standstill. Now, let that continue for months longer, or for a year, and consumption is cut off and the purchasing power of the people is cut off, because they are not employed.

Mr. EMERY. There is a lack of demand?

Mr. VAN CLEAVE. There is a lack of consumption and necessarily a lack of demand. I had that illustrated just a few days ago. I happened to be in Indianapolis and talking with a merchant there about a manufactured article in which I had no interest on earth. He

said: "I bought \$1,500 worth of chairs the other day at about 20 per cent less than I would heretofore have had to pay for them." I said, "How did you do that?" He said, "The manufacturer came to me with this proposition, 'I have got to close our factory down unless I can get orders to enable me to run it, and I called my men together a few days ago and said to them, "Boys, the question is this: Now shall I reduce the price on these goods, and are you willing to work for less money, and let us keep our factory going, or shall I shut down?" To a man they said "Oh, let's get the business and keep your factory going."'" Now, that is the point. Wages are not reduced, as a rule, in order to take away the earnings of people, but they are reduced through the necessity of the business condition and because of the relation of supply to demand.

Mr. EMERY. Then if you lessen the amount of production in the work day, you have got to either correspondingly reduce the wage or correspondingly increase the price of the manufactured article, have you not?

Mr. VAN CLEAVE. I have made practically that statement, in the beginning.

Mr. EMERY. Then you would be perfectly willing to sustain the wage if you could increase the price of the article?

Mr. VAN CLEAVE. Perfectly willing.

Mr. EMERY. But as a matter of fact—

Mr. VAN CLEAVE. It can not be done; it is contrary to the natural law of trade.

Mr. NICHOLLS. Is there any fixed basis upon which wages are computed, as a general proposition?

Mr. VAN CLEAVE. No, sir; I can not say that there is, except in this way: There is a certain line of goods, we will say, made in various States, and the manufacturers are confronted with a reduction in values, growing out of these trade conditions. They may get together, and the question comes whether or not cost can be decreased; the cost of their raw material may be decreased, and the question of a reduction in the wages would present itself; a reduction in wages would be made. The assumption would naturally be, to the average business mind, that the wages paid were fair and just, and the reduction by percentage would compass the matter, and yet in many trades wages are fixed by rule. They are in my own, for instance. I am a manufacturer of stoves. The wage rate is fixed on any new article by comparison with a similar article that is made, or by comparison with the competing article in other factories. Manufacturers must of necessity fix by some kind of rule, or through the force of information which generally is at hand, a price for labor in the same way that they fix the selling price of their goods. In other words, every business man and every employer, when the question of wages is considered, naturally takes the ground that he could not get the right kind of men unless he pays them the right kind of wages; and there is a basis again for adjusting the matter. To answer your question technically, there is not, and never has been that I know of, any standard by which wages may be measured.

Mr. NICHOLLS. The question of wages and profits has no fixed relative value, at least?

Mr. VAN CLEAVE. How is that, sir?

Mr. NICHOLLS. The question of wages paid and the profits earned really has no relative value as a practical matter?

Mr. VAN CLEAVE. I do not understand your question.

Mr. NICHOLLS. I mean this. We will say that a firm is making a certain percentage on the actual money invested in the business. Another firm is making a different percentage on another amount that is invested in its business. Are the wages paid to the employees in those two different shops in any way related to the amount or percentage of profit that the two employers make?

Mr. VAN CLEAVE. How could the two employers ever ascertain what the percentage of profit of each other was; for instance, a man making plows and another man making wagons?

Mr. NICHOLLS. No; but this first employer, we will say, is making 10 per cent. His day workers make \$2. They employees of the other man receive \$2 per day also. Does it necessarily follow that the percentage of profits of the second employer shall be the same as the profit of the first employer, namely, 10 per cent?

Mr. VAN CLEAVE. No; it does not necessarily follow; but I will say this, that it might be, taking the two employers you have in your mind, that the trade conditions of one are exceedingly bad and the trade conditions of the other are fairly good. How are you going to measure that?

Mr. NICHOLLS. You notice in the two cases I have stated that both of them received certain returns on their investments, one 10 per cent, and the question I asked was whether the profits of the other man ought to be 10 per cent, inasmuch as he pays his labor the same day's wages as the first?

Mr. VAN CLEAVE. I do not believe there are any two manufacturers in this country who have or make any estimates that could be used as a comparison in the matter of profits.

Mr. NICHOLLS. That is it. That is my understanding, that the question of wages depends upon several things. It would depend upon the availability of labor, I understand, the demands and the ability of the employees to demand certain wages and the ability of the employer to secure orders and work for his shop; but I understand that the matter of wages is not based upon what we might call any direct equitable basis as between the earnings of the employer and the employee.

Mr. VAN CLEAVE. It could not be and never can be, in my opinion.

Mr. EMERY. May I be permitted to ask a question there which I think may make it clearer? Under normal conditions, Mr. Van Cleave, there is a competition of capital seeking investment as much as there is a competition of labor seeking employment, is there not?

Mr. VAN CLEAVE. Certainly there is.

Mr. EMERY. Then, if there be an unusual profit in a particular line of investment, does not that necessarily attract capital and tempt it to invest in that particular industry?

Mr. VAN CLEAVE. Certainly. Take a manufacturer starting upon some particular type of goods; if it proved very profitable it would be a very short time until he had competition, and competition, and competition.

Mr. EMERY. Exactly. Under such a condition, where capital is invested, if the profits are unusually large it immediately attracts the attention of other capital seeking an opportunity for investment. In

a particular industry, if the wages are so low that for that reason capital secures an unusual profit, it would immediately attract the attention of other capital that would equally avail itself of the cheap wage, would it not?

Mr. VAN CLEAVE. It surely would. But, Mr. Emery and gentlemen, I have never known, in my thirty-five years of experience, of a manufacturer's profit being large when labor was low.

Mr. VREELAND. Does not your experience of thirty-five years show you, then, that while the connection is sometimes not direct, but is sometimes roundabout and a little difficult to trace, there always is and must be a near relation between the process of manufacturing and the wages of the men; that to start with, if there are no profits the mill not run?

Mr. VAN CLEAVE. Certainly not.

Mr. VREELAND. Or if there is no prospect of profits it will not run? It may run for a time to tide over a barren period, but there must be profits in the manufacturing business or it will not run.

Mr. VAN CLEAVE. Certainly.

Mr. VREELAND. Now, as Mr. Emery says, if the profits are notoriously large in the business, very soon capital is attracted to go into it, and that means another factory; and if it is skilled labor that they use, as a portion of it must be, that means that they must obtain their supplies of skilled labor from the factories already in existence. That means that the men who are already settled in a good plant, with their homes there and their surroundings satisfactory, must be offered inducements to get them to go to another plant in the same line of business. That means a bidding up of wages. I am a stockholder in a factory that started several years ago, and that has been exactly their experience. Starting in a new field, they were compelled to obtain almost every man in their plant from among the workmen in other plants. How would they obtain them? By offering greater inducements for them to come and work for them. That, in the end, tends to raise the wages of all the men in that line of business. That is the upward slant of the business. Now, when profits fall off, when we have poor times and profits fall off, the tide goes the other way; is not that your experience?

Mr. VAN CLEAVE. It would resolve itself similarly in similar conditions; naturally, my experience is identical with that stated.

I never in my experience saw a manufacturer who made any attempt to reduce wages generally when profits were good. A manufacturer never entertains that proposition until his profits are in question or until they are gone entirely. Then he is confronted with the necessity of closing the mill or reducing the wage scale. But, with all deference, we could go into that sort of discussion for a long time. I should like for you gentlemen, if you will, and desire an expression from me, to lead along the line of the eight hours' occupation or service of the work people of all classes of this country, because I am interested in impressing you gentlemen—and if I can, Congress, by your report—that it would be a great injury to the work people of this country and to the country as a nation, to undertake in any way, shape, or form, to fix by law the number of hours that men shall work.

Mr. EMERY. Of course you will make an exception in that statement in regard to employments where there is danger to health and life?

Mr. VAN CLEAVE. Why, as a matter of course. That would resolve itself back into a question of common sense and humanity and decency. There are so many things that would govern that, in the same way that the law of supply and demand governs the question of wages, as well as the products of the factory.

Mr. NICHOLLS. I should like to revert to the question you spoke of a while ago, and that is with reference to the business with other countries, and ask you this: Is it not true that the products of American workmen have been sold abroad cheaper than they can manufacture them themselves in those various countries?

Mr. VAN CLEAVE. That is undoubtedly true; but, my friend, it is not the result of the worker himself; it is the result of processes and machinery.

Mr. NICHOLLS. From whatever cause, the facts are that they have been sold cheaper abroad?

Mr. VAN CLEAVE. I have been told so. I know of no instance of my own knowledge. It is a matter of common report that certain large interests of this country sell goods in the markets of the world for less money than they get for them in this country. That is the common statement, but I have no knowledge as to that.

Mr. NICHOLLS. Exactly. To make a statement on that point, I understood a few years ago that even in the mining of coal, in which there was very little difference at that time, they produced coal here for about a penny a ton less than they did in Great Britain.

Mr. VAN CLEAVE. May I answer that? I think you have raised a very important question. I do not know anything about coal mining, but I have been down in a great many mines. I understand that you are from a coal district?

Mr. NICHOLLS. Yes.

Mr. VAN CLEAVE. You know that the cost of mining depends, assuming that the general conditions are equal, very largely upon the vein of coal, the depth, the cost of handling, the width of the vein and the conditions, and so forth, so that there is where it comes in, and it does not come from the matter of natural brawn of the workman. He can do no more or no less.

Mr. NICHOLLS. True, but those are the facts; and mining of course does vary in different places and in different veins. So it does also in this country and in England. The question I wanted to ask you direct was, what you know about the sale of American-made watches in the old country cheaper than they sell them in this country, which was mentioned in a speech by Mr. Rainey some time ago. He gave us some statement as to the danger of reducing the hours for fear it would interfere with our ability to compete in foreign markets. Mr. Rainey says that the same watch is manufactured here and sold abroad cheaper than the American citizen can buy it in our own market.

Mr. VAN CLEAVE. Let me give you an answer to that, which is entirely foreign to this discussion, but by way of illustration. What do you know about the value of that watch [indicating watch]?

Mr. NICHOLLS. I could not tell you.

Mr. VAN CLEAVE. You do not know anything about it?

Mr. NICHOLLS. No; I could not tell you.

Mr. VAN CLEAVE. Now, here is a manufacturer making a watch which to all intents and purposes looks as much like that watch as

two peas out of a pod look alike, and yet there may be 25 per cent difference between them. There is where many of these false statements originate.

Mr. NICHOLLS. Of course, my understanding of Mr. Rainey's statement is that it would be on an equal value. If the value was not equal, of course it would not be a fair statement.

Mr. VAN CLEAVE. I do not know anything about it; but taking it and looking at it as I try to look at these things, from a rational standpoint, I would say that except in isolated cases there is no truth in the assertion. I do not mean to question what he has stated in that specific case, of course.

Mr. NICHOLLS. No. I had the privilege of going across the water a few years, and going from London down to Wales, and while in a town of south Wales a companion traveling with me wanted to get rubber heels put on his shoes, and he stepped into a shop and got a pair of the Sullivan rubber heels, and upon the box was marked "50 cents per pair." That is the price at which they are sold in this country, or for which they were sold at that time. The shoemaker sold the heels to him and attached them to his shoes for about 10 cents less than he could buy the heels for in this country. That is a case that came under my own observation.

Mr. VAN CLEAVE. Do you want me to make any comment on that?

Mr. NICHOLLS. Yes, sir.

Mr. VAN CLEAVE. The great trouble about all those questions is that they really cut no figure in commerce as a general proposition, and I will tell you why. In the first place, take an article such as you speak of; the rubber heel of a shoe is a sort of a luxury, a specialty, and it is perfectly natural in this country that where we try to do things we make all the money out of a specialty that we can and as long as we can; but when it got over on the other side the fellow tried to see how cheap he could sell. But that really does not affect a national proposition such as we have before this committee, and I do not believe, if you will pardon me for saying so, that any information which may come to you in the consideration of this point here, the matter of hours of labor, such cases as that should affect you in any way, shape, or form, because they are not, as I see it, germane to this question. What we are after is the protection not only of the American workman himself—and he is the man we must protect if we would preserve this country—but we are after the protection of the American industries. Now, if you will allow me to digress a second, the matter of the tariff is being discussed now, and I have been accused of being a free trader and all that sort of thing. My position is that I am a protectionist in every sense of the word. I want the American industries protected, and American workmen protected, and I want to put the duty so high, and then some, that it is absolutely protected. But it is not necessary to put duties on goods that will enable these gentlemen here running the factory that Mr. Vreeland is interested in to make abnormal profits, and not only in his own country but in Germany, for instance, if he is selling rubber heels.

Mr. EMERY. If I may be permitted, I would like to ask a question which is not germane to the question of Mr. Nicholls, but with reference to another section of this bill which I think you have not touched. You have observed that the bill absolutely prohibits over-

time; that whether a man wants to or not, he can neither buy the labor of another nor sell his own labor for more than eight hours on work under a Government contract that is within the provisions of this bill. You have had a large experience as an employer and as a representative of large employers, have you not?

Mr. VAN CLEAVE. I think I have, sir.

Mr. EMERY. You are personally, as are most of those you represent, an employer of both organized and unorganized labor?

Mr. VAN CLEAVE. Yes.

Mr. EMERY. Can you, then, say that in the course of your personal experience, or as a representative of manufacturing organizations, you have ever known of a case where labor, organized or unorganized, has refused to permit or sought to prohibit the practice of working overtime for overtime pay?

Mr. VAN CLEAVE. I do not know that I catch the real point in your question.

Mr. EMERY. This bill prohibits overtime, absolutely?

Mr. VAN CLEAVE. Yes.

Mr. EMERY. It is contended by the proponents of the bill that they are not anxious to have overtime, and that, as a matter of fact, they do not care for it, but would rather get along without it.

Mr. DAVENPORT. And do not want others to have it, either.

Mr. EMERY. As a matter of personal experience in industry, have you ever known labor, either organized or unorganized, in contact with you to refuse to work overtime for overtime pay, or to show a desire to avoid working overtime for overtime pay?

Mr. VAN CLEAVE. The individual workmen, you mean?

Mr. EMERY. Yes.

Mr. VAN CLEAVE. To refuse to work overtime?

Mr. EMERY. Yes.

Mr. VAN CLEAVE. Oh, yes; I have heard of cases of that kind, and I have also heard of many employers working their men overtime for a short time. Overtime is almost always an emergency time.

Mr. EMERY. Yes.

Mr. VAN CLEAVE. If a man is running his factory on ten hours a day, we will say, and there comes a period in his business when it is somewhat seasonable, and his stock is depleted and he has got rush orders, he will appeal to his men to work overtime for probably three days a week "until we get over this pinch." Therefore, the overtime proposition in the average run of factories is an emergency proposition. Now, we have had men and we have heard of men, and I understand they do refuse to work overtime—some of them—and some want time and a half and some want double time, and so on.

Mr. EMERY. I am talking about overtime for overtime pay.

Mr. VAN CLEAVE. Well, it is a rare thing in my experience that I have found men refusing to work overtime for overtime pay.

Mr. EMERY. On the contrary, do you find that men seek opportunities for making more money?

Mr. VAN CLEAVE. I have never yet, except for physical reasons, had a man refuse to work overtime for overtime pay. He is glad, as a rule, to get it, because he knows that it enables him to earn some extra money, and it is as a rule for a short time, and as a rule they are glad of the opportunity.

Mr. EMERY. In the course of your personal or general experience have you ever known of a labor organization refusing to make an agreement for overtime?

Mr. VAN CLEAVE. All the agreement that I ever heard of a labor organization wanting to make was extra pay for overtime. The question of the wear and tear on the men has never been raised. What they want is extra pay for overtime. In all the propositions that have ever been made to me by representatives of labor organizations for overtime it has always been one thing only—wage and a half.

Mr. NICHOLLS. What is the tendency of the time and a half for overtime? Does it tend to restrict the overtime work?

Mr. VAN CLEAVE. No, sir; overtime work, as a rule, is an emergency proposition. If I have additional orders, and a certain department is short, we will say, of certain work, I ask the men to work, and pay them their overtime, and the overtime always comes from the emergency side of the factory—that is, the sale side of it, and the men—as a rule, in my experience, have been glad to get it; and in every proposition that has come from the representatives of labor organizations for overtime there is one question only, and that is the question of extra pay.

Mr. NICHOLLS. But it would have a tendency to limit it to the emergency work, would it not?

Mr. VAN CLEAVE. What would?

Mr. NICHOLLS. The charge of time and a half for overtime would have a tendency to limit the overtime work to the emergency side of it?

Mr. VAN CLEAVE. Overtime is due to the actual condition of supply.

Mr. NICHOLLS. Yes.

Mr. VAN CLEAVE. Now, there is no factory that asks, or would attempt to require, its employees to work overtime under normal conditions, where the business was normal. It is always an emergency proposition.

Mr. EMERY. You mean a business emergency?

Mr. VAN CLEAVE. What you would call a business emergency; and it is, as a rule, of short duration, sometimes a day only. The cost of overtime, however—I believe that is really the point of your question, as to the cost?

Mr. EMERY. Yes.

Mr. VAN CLEAVE. The cost of overtime has a deterrent effect on the use of overtime service.

Mr. EMERY. That is the point.

Mr. VAN CLEAVE. Gentlemen, if you have no further questions to ask me, it seems to me that I have covered the ground and said everything that I wanted to say; but I will add, as earnestly as I can say it, that I hope in considering this bill, which I have discussed merely as a tentative proposition, you will consider the working people themselves on the industrial side of this question. No matter how this matter may be adjusted, the reduction of the work hour by law is to take away from our people their earning power and to increase their cost of living.

Mr. DAVENPORT. How many concerns are in your association, the National Association of Manufacturers?



Mr. VAN CLEAVE. The National Association proper has, in round figures, a membership of about 3,000.

Mr. DAVENPORT. And about what amount of the investments in manufacturing in this country is represented in those concerns?

Mr. VAN CLEAVE. I have had a tabulation made several times, not down to the minute detail, but to the best of my belief we represent close onto seven billions of the capital invested in manufactures in this country.

Mr. DAVENPORT. How as to the number of employees?

Mr. VAN CLEAVE. The number of the employees is, say, 3,500,000, and from the best figures I have been able to obtain we represent half of them, or, say, 1,800,000.

Mr. DAVENPORT. That is to say, in the manufacturing industries?

Mr. VAN CLEAVE. In the manufacturing industries; yes, sir.

Mr. EMERY. The manufacturing industries affiliated and cooperating with the manufacturers make how much additional, and how many additional employees?

Mr. VAN CLEAVE. You know as well as I do that I think we represent 90 per cent. The fact is that we are representing the whole of the manufacturing industries of this country through the affiliated organizations.

Mr. EMERY. How much would that be?

Mr. VAN CLEAVE. If it is 90 per cent of 3,500,000, that would be over 3,000,000.

Mr. EMERY. So far as you know, speaking generally of the industrial conditions prevailing in that vast department of production that you have described, are the general relations between employer and employee pleasant or otherwise?

Mr. VAN CLEAVE. I believe that they are pleasant, and that they would be a great deal more pleasant were it not for agitation, as a rule, from outside sources. The trend of affairs in factories, as my experience has taught me and as I have learned from observation, is that the employer and his employees will naturally gravitate to each other, and the relation is good.

Mr. EMERY. You believe, then, from your personal experience and in your representative capacity, that the relations covered by the term of labor contracts are being settled satisfactorily by the growth of better feeling, and the natural adjustment of relations between employer and employee in industry, than they could be settled by statute?

Mr. VAN CLEAVE. I think that is the only way to settle them and settle them right, namely, to let the settlement be between the interested parties. Arbitrary law is not the way to adjust relations between employer and employee.

Mr. EMERY. You do not think, as a matter of history, that the record of the attempts of various nations and States to adjust labor relations by statute is such as to make it seem an advisable course for this country to pursue?

Mr. VAN CLEAVE. I do not think it would work in this country. I think it would come closer to bringing about a revolution and destruction of our manufacturing industries than any other thing.

Mr. EMERY. Do you know, as a matter of fact, of any one nation in which the regulation of hours and wages of labor has been productive of happy results?

Mr. VAN CLEAVE. No; I do not. But I am frank to say that I do not know of any nation, of my own knowledge, which has fixed an arbitrary limit to wages.

Mr. DAVENPORT. You mean in modern times?

Mr. VAN CLEAVE. In modern times; yes.

Mr. DAVENPORT. Do you know of any country, even New Zealand, where they prohibit a man working overtime for overtime pay by law?

Mr. VAN CLEAVE. No, sir; I do not; not even New Zealand. Is there anything further, gentlemen, that you wish to ask me? If not, I thank you for your courtesy.

Mr. VREELAND. That is all, Mr. Van Cleave, and we are very much obliged to you for coming before the committee.

**STATEMENT OF MR. GEORGE S. BACON, OF MILLVILLE, N. J.**

Mr. BACON. My name is George S. Bacon, and I represent Whitall Tatum Company, Millville, N. J., manufacturers of druggists, chemists, and perfumers' glassware.

We sell a considerable amount of glassware to the United States Government, and, if I understand the Gardner eight-hour bill (H. R. 15651), it would very seriously affect our business in this line of work. It would be entirely impracticable for us to employ a part of our plant on Government work on an eight-hour basis, while the balance was working nine and ten hours. We have about 2,000 employees. A small percentage of the above are engaged in Government work. As we could not in a practical way run a part of our plant on any different basis than our regular hours, we would be compelled to refuse all work for the Government. Many items of glassware are ordered in such small quantities by the Government that it would be impossible to make them on an eight-hour basis, as the cost would be prohibitive. Neither could we sell the Government goods from our regular stock without making the goods up especially for Government orders, which would also be impracticable and at excessive cost. We manufacture for Government use bottles of various kinds, graduated goods, chemical glassware, beakers, flasks, and graduates.

At 3.15 o'clock the committee adjourned.



EXHIBITS.

[American Lubricator Company.]

DETROIT, MICH., February 18, 1908.

HON. JOHN J. GARDNER,

*Chairman of the House Committee on Labor, Washington, D. C.*

DEAR SIR: It has been brought to our attention that a bill, No. 15651, will be brought before the House limiting the hours of daily service of laborers and mechanics in the employ of the United States, etc. From what we have read of the matter it is one that should not be passed, as it is certainly detrimental to the interests of every employer of labor in the United States.

It practically means that if this bill should pass an employer would not be able to run his own business, and you certainly must realize that it would embarrass every concern whose product is supplied to the Government in any way, and eventually it might even go so far as to result in the Government putting up their own factories, which, as you can see, would result in a good deal of harm to the general community.

Just at this time, when the employers need every assistance in place of a shove just a little farther down the line, we take it that it is ill-advised to bring out this bill at this time; therefore, we request that you use your utmost influence to have this matter recalled, feeling that you will serve the best interests of the people whom you represent by so doing.

Yours, very truly,

AMERICAN LUBRICATING CO.,  
By WM. W. DWYER,  
*General Manager.*

[The American Hardware Corporation.]

NEW BRITAIN, CONN., April 6, 1908.

JOHN J. GARDNER, Esq.,

*Chairman House Committee on Labor,*

*House of Representatives, Washington, D. C.*

DEAR SIR: We wish to record our protest against the passage of H. R. 15651, known as the eight-hour bill, for the following reasons:

First. It would revolutionize and destroy American manufacturers.

Second. It would practically prevent all manufacturers bidding on supplies for the Government.

Third. The Government would only be able to secure its supplies by the establishment of its own factories.

Fourth. It would destroy the shipbuilding industry of this country.

Fifth. It is uncalled for.

We wish to file these objections to the measure with your House committee.

Yours, very truly,

CHAS. M. JARVIS,  
*First Vice-President.*

[American Leather Company.]

WILMINGTON, DEL., February 18, 1908.

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor,*

*Washington, D. C.*

DEAR SIR: We, as manufacturers employing many men and women, enter our earnest protest against the passage of the Gardner bill (H. R. 15651) providing for an eight-hour working day.

While we concede the right of Congress to decide the number of hours that shall constitute a working day for Government employees, we deny the right of Congress to prescribe the working hours of employees in private employment.

Respectfully, yours,

AMERICAN LEATHER CO.,  
J. PARKE POSTLES, *President*.

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[The Advance Machinery Company.]

TOLEDO, OHIO, *February 20, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We wish to register a protest against the Gardner bill (H. R. 15651), and sincerely hope this bill will not be favorably reported to the full committee of the House.

We think these kind of bills would not be given your support if you looked into these matters more thoroughly, and as a manufacturing establishment we sincerely hope it will not have sufficient support to enable it to be favorably reported to the full committee.

Yours, very truly,

THE ADVANCE MACHINERY CO.,  
J. A. TAGGART, *President*.

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[American Enameled Brick and Tile Company.]

NEW YORK, *February 21, 1908.*

HON. JOHN J. GARDNER,  
*Chairman of the House Labor Committee,*  
*Washington, D. C.*

DEAR SIR: As a New York corporation, with a factory located in the State of New Jersey, with branch offices located throughout the United States, as indicated above, we desire to register with you an emphatic protest against the eight-hour bill as recently introduced.

This bill, we believe, is practically identical with the notorious McComas and Hitt eight-hour bill, of the Fifty-seventh and Fifty-eighth Congresses. We do not want any eight-hour days in private employment, such as the passage of this bill is evidently the forerunner of.

Kindly take heed to this protest and oblige,

Yours, very truly,

AMERICAN ENAMELED BRICK AND TILE CO.,  
J. FRANCIS DONOVAN,  
*Secretary, Treasurer, and Manager.*

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[American Injector Company.]

DETROIT, MICH., *February 21, 1908.*

JOHN J. GARDNER,  
*Chairman House Committee, Washington, D. C.*

DEAR SIR: As manufacturers we do not think it would be advisable to pass a national eight-hour law as long as they work ten and twelve hours in foreign countries, and we as manufacturers have got to compete with them in the open market.

The foreign manufacturer has a decided advantage over us now in the matter of wages, paying in some instances not within 30 per cent of what we are paying in this country.

In justice to all concerned, I trust that you and your committee will oppose this union-labor measure.

Yours, truly,

AMERICAN INJECTOR CO.,  
JOHN TRIX, *President*.

[W. D. Allen Manufacturing Company, Brass Founders.]

CHICAGO, February 20, 1908.

HON. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: We are interested in the eight-hour bill which is up before your committee now for discussion, and we want to go on record as filing a vigorous protest against the passage of this bill.

We do not believe the laboring or business men want an eight-hour day, and we are very sure the employer does not.

If this bill becomes a law it will disarrange all business conditions with the manufacturer who does work with the Government. It is simply an entering wedge for the labor unions to enforce later a universal eight-hour law, and to this the country can never submit. Such a law is entirely illogical and without any rational basis from the point of view of the manufacturer. We can not in this country submit to have our plant idle sixteen hours out of twenty-four, as we can not stand the heavy fixed charges which follow from this sort of thing.

Yours, very truly,

WILLIAM D. ALLEN.

[The American Pad and Textile Company.]

GREENFIELD, OHIO, February 21, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We desire to register with you our protest against the proposed eight-hour bill, H. R. 15651.

We are opposed to the enactment of any legislation by the Congress that would encourage labor organizations to attempt to have similar legislation enacted by the different States. As an economic proposition it will not do for one State to have different labor hours from another State, yet that is exactly what would likely happen. If the time comes when a national eight-hour bill is up for consideration it will be different—to apply to all industries alike, we mean. It would then not be a question of competition between the different States, but it would be a question of the United States competing with foreign governments.

Yours, truly,

THE AMERICAN PAD AND TEXTILE CO.,  
Per E. L. McCLAIN, President.

[Adams Transfer and Storage Company, Incorporated.]

KANSAS CITY, MO., February 22, 1908.

HON. J. J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We note that there has been referred to your honorable committee a bill to limit the hours of employment to eight hours. We believe the tendency of this bill is vicious and would ultimately bring about more agitation political and business unrest. Surely we do not want labor agitation added to our present troubles.

Thanking you for such action as you deem advisable to take against this measure, we remain,

Sincerely, yours,

ADAMS TRANSFER AND STORAGE CO.  
E. P. ADAMS.

[E. C. Atkins &amp; Co., Incorporated, Sheffield Saw Works.]

INDIANAPOLIS, IND., February 19, 1908.

MR. JOHN J. GARDNER,  
Chairman House Committee on Labor, Washington, D. C.

DEAR SIR: Referring to House bill No. 15651, which is a bill providing for an eight-hour workday under certain conditions, we beg, as manufacturers and employers of large numbers of workmen, that before you allow a bill of this kind

to become a law you will take into consideration the rights of employers and employees to contract freely among themselves and with each other, not only as to rates of pay, but as to hours of labor. It does not occur to us that it is within the province of the Government to regulate the hours of labor of the laboring man nor of the employer, nor to regulate the right to contract as between the two in this matter of hours. These are things which should be left to the discretion and judgment of the employer and the employee, and each should be free to act in these matters as their judgment dictates.

We hope you will see the force of our remarks on this very important question and allow the present laws to stand.

Very truly, yours,

H. C. ATKINS *President*.  
E. C. ATKINS & Co.,

[American Spinning Company.]

GREENVILLE, S. C., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: You have before your committee the Gardner bill, which, in my opinion, would be disastrous to the manufacturing interests of this country. I sincerely hope that your committee and yourself will ascertain that it is objectionable to the American people, and not report it favorably.

Yours, truly,

J. H. MORGAN, *President*.

[The Acme Rubber Manufacturing Company.]

TRENTON, N. J., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Representative Second New Jersey District, Washington, D. C.*

DEAR SIR: Noticing the eight-hour bill (H. R. 15651) introduced by you, we wish as manufacturers, and particularly as manufacturers of New Jersey, to protest against this bill. We will not inflict upon you a lengthy letter detailing the many objections that can be urged against any legislation attempting to interfere with the proper exercise of the rights and liberties of such manufacturer. We will confine our objection solely to this reason, believing that the sober thought of our National Representatives who are not swayed by so-called popular clamor, will assert itself in rejecting any legislation in any manner attempting to curtail the legal rights and liberties guaranteed the citizen by our Constitution.

Very truly, yours,

THE ACME RUBBER MFG. CO.,  
J. A. LAMBERT,  
*Secretary and General Manager.*

[The Athens Brick Company.]

COLUMBUS, OHIO, *March 14, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

HONORABLE SIR: We wish to enter our protest against the passage of the eight-hour bill, H. R. 15651.

There are several departments at all paving-brick factories where it is absolutely necessary to work continuously. Our burning and drying require work every hour.

The eight-hour law applied to paving-brick makers would make it necessary for us to have three different crews of men and often change them at critical times in the burning, and it would often be difficult to get a sufficient number of burners to supply our needs.

Eight hours' work would reduce our output at least 20 per cent and increase the cost of production or the price of labor for a day's work.

If it did not apply to anything except Government work, the Government would then be confined to some one or more places that would work exclusively on Government orders, and competition would thus be greatly reduced.

We sincerely trust that this bill may not pass.

Yours, respectfully,

ATHENS BRICK COMPANY,  
By C. H. DOAN.

[J. Arthur Anderson.]

ST. LOUIS, Mo., March 3, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Laundry employees can only work four and one-half hours on Monday and four and one-half hours on Saturday. The passage of Gardner bill, H. R. 15651, would cut them down to forty-one hours per week instead of forty-seven as at present. This would be a hardship on the employees as well as employer.

Very respectfully, yours,

J. ARTHUR ANDERSON.

[Alabastine Company.]

GRAND RAPIDS, MICH., March 2, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Believing that the bill introduced by Representative Gardner, New Jersey (we refer to the eight-hour bill, H. R. 15651), would be detrimental to the manufacturing interests of this country, we wish to protest against same and to ask that before taking any action on the matter you would kindly give it most careful consideration.

We have no doubt but such would be your action, but we believe there is a bill requiring specially careful consideration.

With best wishes, we are,

Yours, truly,

ALABASTINE CO.,  
J. L. HAMILTON, *Manager*.

[Anthony Ittner Brick Company.]

ST. LOUIS, February 28, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR MR. GARDNER: I write to enter my protest against any eight-hour legislation at this time. H. R. 15651, being considered by your committee at the present time, is practically identical with the McComas and Hitt bills of the Fifty-seventh and Fifty-eighth Congresses.

The enactment of this bill into a law would, in my opinion, have a tendency to encourage general eight-hour legislation and in the end act as a boomerang to those who are now clamoring for it. As I take it, Mr. Gompers would occupy the same position in the matter of hours of labor that he would in the matter of wages, for which he is constantly crying more, more, more, and when they get it his advice to his followers is to still clamor for more, more, more, and when they get it never, under any circumstances, to permit a reduction. "To hell with the law of supply and demand." Such chimerical fancies don't bother him. It is or must be according to the arbitrary edict of Mr. Gompers himself that matters are to be regulated. I think I am correct in saying that his position was and even now is by indirection in defiance of the rulings of our courts, even to that of the highest court in the land.

So may it not be that, should he, by his imperious and dominating will, secure the passage of the eight-hour bill now being considered by your committee, it will be followed immediately with a demand for general eight-hour legislation, and this secured the demand will be for not more, more, more, but less, less, less as applied to hours of labor until finally the demand will be for seven, six,



five, and even less hours of labor, with no reduction in wages, until the industries are Australianized, and instead of one and a quarter million immigration annually into this country, it will be metamorphosed into an equal volume of emigration to the countries from whence they came and soup houses for a large portion of our wage-earners not able to get away.

I had supposed that after the wing clipping that Gompers got in his efforts to beat Cannon, Littlefield, and other Congressmen for reelection in 1906, and later in his efforts to beat Speaker Cannon in his reelection to the Speakership, that he would at least roost a little closer to ground and not strut so much while he is on the ground, but it seems not; he don't seem to be built that way; or is he perhaps being imbued with new hope from recent pronouncements in special messages from the White House and certain declarations of Secretary Taft in his recent Cooper Union address?

If Gompers represented one-third or a majority of the 32,000,000 wage-earners of this country, instead of less than one-sixteenth of their number, he might have (if his conduct and methods could be justified under any circumstances) greater cause for strutting.

I hope your committee will see your way clear to make the same disposition of this bill as it received in the Fifty-seventh and Fifty-eighth Congresses.

I have the honor to remain,

Yours, in defense of broad American ideas and principles,

ANTHONY ITTNER.

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[Adriance, Platt & Co., Farm Machinery.]

POUGHKEEPSIE, N. Y., February 29, 1908.

HON. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: Permit us to record our emphatic protest against the Gardner eight-hour bill, H. R. 15651.

We deem it unfair and altogether too socialistic.

Yours, truly,

ADRIANCE, PLATT & Co.,  
W. D. HASBROUCK,  
Credit Department.

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[Telegram.]

PHILADELPHIA, PA., February 18, 1908.

MR. JOHN J. GARDNER,  
Chairman House Committee on Labor,  
Washington, D. C.:

I protest emphatically against passage of House bill 15651, known as Gardner eight-hour bill.

E. L. LANGWORTHY,  
Eastern Manager The Adams and Westlake Co.

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[The American Stoker Company.]

ERIE, PA., February 20, 1908.

HON. ARTHUR L. BATES,  
Member of Congress, Washington, D. C.

MY DEAR MR. BATES: We have just wired you as follows: "Strongly opposed to the Gardner eight-hour bill. Hope you can consistently work against it." We understand that this bill is prejudicial to the interests of the manufacturers of the country, and is introduced largely to make political ammunition. We believe that whatever affects the interests of the manufacturer also affects the interests of the workingman. If you throttle the manufacturer, the workingman is ultimately the greatest sufferer. The margin between success and failure, between profit and loss, is so narrow that a measure of this kind

might produce universal distress. We trust that you can consistently exert your influence in opposition to this measure.

Yours, truly,

THE AMERICAN STOKER Co.,  
J. A. VANCOUVER, *Vice-President.*

[Frank Adam Electric Company.]

ST. LOUIS, *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,*  
*Washington, D. C.*

DEAR SIR: We desire to ask your kind consideration in regard to the Gardner bill, H. R. 15651. We have gone over this bill carefully and feel that the passage of same would be a detriment to a large percentage of mercantile and manufacturing interests of this country, and we wish to enter our protest against its passage and ask that you do not support same.

Hoping that you will see the matter as we do, we are,

Very truly, yours,

FRANK ADAM ELECTRIC Co.,  
Per M. J. BURTON, *Credit Manager.*

[Anti Kalsomine Company.]

GRAND RAPIDS, MICH., *March 2, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,*  
*Washington, D. C.*

DEAR SIR: The eight-hour bill, H. R. 15651, recently introduced by Representative Gardner, of New Jersey, in our opinion, is an opening wedge for what would be legislation unfavorable and to an extent disastrous to the great manufacturing interests of this country.

We trust that the bill will not receive favorable consideration at your hands and will not be enacted into a law.

Yours, truly,

ANTI KALSOMINE Co.

[Anchor Steam Laundry Company.]

ST. LOUIS, *March 3, 1908.*

HON. JOHN J. GARDNER,  
*Member House Labor Committee,*  
*Washington, D. C.*

DEAR SIR: Our notice has been called to the introduction of an eight-hour bill, H. R. 15651. We believe this bill to be detrimental to the best interests of the employer, employee, and the public, and will ask you to enter protest against the same before the House Labor Committee.

Very truly, yours,

ANCHOR LAUNDRY Co.,  
R. N. EMERSON, *President.*

[Alger, Smith & Co., Incorporated.]

DULUTH, MINN., *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,*  
*Washington, D. C.*

DEAR SIR: Our attention has been called to the Gardner eight-hour bill, H. R. 15651, and we wish to enter our protest against the passage of such a labor bill, as we think it will be against the interests of employer and employee alike.

Very truly, yours,

ALGER, SMITH & Co.

[The American Tool and Machine Company.]

BOSTON, MASS., March 20, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

We remain, very truly, yours,

AMERICAN TOOL AND MACHINE CO.,  
M. H. BARKER, *General Manager.*

[Acme White Lead and Color Works.]

DETROIT, MICH., March 4, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

MY DEAR SIR: We are very much opposed to bill H. R. 15651, now before your committee, for the reason that if it passes it would place our house in a position where we could no longer compete for Government business, which in volume does not amount to sufficient to warrant us in changing our methods of doing business, while at the same time it is business that we can not very well afford to sacrifice. However, if the opportunity were presented to supply goods for the Government in small quantities all over the United States, the volume in the aggregate is considerable and we could not very well afford to let it go without a protest, but if the bill in question passes we would simply be compelled to let it go.

This same rule would apply to the majority of other manufacturers in our line, for they could not alter their present methods of doing business to harmonize with conditions of the present bill, and the result would be that the Government would be compelled to probably pay very much more for such goods in our line as they were compelled to buy from manufacturers that might be set up for the purpose of catering to that particular business.

We trust, therefore, that you will do all in your power to defeat the measure.

Yours, very truly,

THOMAS NEAL,  
*Secretary and General Manager.*

[American Stove Company.]

ST. LOUIS, MO., February 26, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: In regard to the so-called eight-hour bill, H. R. 15651, recently introduced, on which we understand hearings are being held by a subcommittee of the House Committee on Labor, permit us to protest against any legislation such as is proposed.

The manufacturers of the country have a right to demand that the Government work should not be made a cloak for introducing shorter hours generally by legislation. We believe also that we act in the interests of our workmen and our customers when we protest against this innovation. The hearings that were held some time ago certainly brought out clearly the tendency and certain results of the compulsory eight-hour legislation. It would cost the Government and taxpayers much more by restricting the bidders on Government work, and it would probably lead to an effort to establish an eight-hour day generally in private employment by legislation, which would be an infringement upon the right of contract.

The problem of shorter hours, in our opinion, should be left to work itself out by mutual agreement between employer and employee.

Very truly, yours,

AMERICAN STOVE COMPANY,  
By E. H. STOCKSTROM,  
*Third Vice-President.*  
GEORGE F. FISKE, *Treasurer.*

[Anthony Screw Company.]

WORCESTER, MASS., February 25, 1908.

HON. JOHN J. GARDNER,  
Washington, D. C.

DEAR SIR: As a manufacturing concern we feel that it will be a great detriment to us to be obliged to be bound by a law allowing only forty-eight hours per week for labor; nor are we in favor of contractors being tied in a way that they will be put in position to lose on their contracts made with a Government that will fine them both for overtime or lack of delivery on date of expired contract, which if to be made good would be obliged to pay double for overtime work.

These things look bad to us, as well as others we might mention, and we hope you will use your influence to kill the eight-hour law.

Yours, truly,

ANTHONY SCREW CO.,  
A. H. ANTHONY, Treasurer.

[American Brass and Iron Company.]

DETROIT, MICH., February 25, 1908.

MR. JOHN J. GARDNER,  
Chairman House Committee on Labor, Washington, D. C.

DEAR SIR: Referring to your House bill, No. 15651, to limit the hours of labor on Government work to eight hours, we desire to enter our protest against any such legislation. A bill of this description would mean that all manufacturers of goods solely for Government use would have to cut down his working day to eight hours, a proposition that would put many such manufacturers out of business entirely. Prices and wages at the present time are regulated by the ten-hour day, and if you compelled the manufacturer to cut down the output of this factory 20 per cent you can readily see what it would mean in added cost for fixed expense on the total amount of sales.

One of the simplest and most fundamental propositions of political economy is that labor is a commodity, the same as anything else, and if a man desires to work ten hours a day there is absolutely no reason why any law should make it a crime for him to do so. It is better that the laboring man should work ten or even twelve hours during times when such hours are necessary, inasmuch as during times such as these it is often impossible for him to find work at all.

The function of government, as exemplified in this country, does not include the interference with the personal liberties of man, except as those liberties are abused to the hurt of his neighbors, and we feel that the enactment of a bill such as you propose would mean simply the opening wedge for socialism, a word that is repugnant to the ears of every true and ambitious American.

Such a bill as this would not only cripple a great number of manufacturers, but would also work untold hardship for large numbers of workmen, for it would be simply impossible to make an eight-hour day, at a ten-hour day wage, and still maintain prices where they are.

We feel that this is a most inopportune time to propose such a law as this one, and we trust that your committee will note the almost unanimous opinion of the manufacturers of this country, and of the large number of ambitious, honest workmen of the country, and see that this bill is killed in committee, in spite of the efforts of some labor agitators, whose private ends and the tenure of whose jobs would require its passage. With public sentiment where it is to-day, we know that if this bill is presented to the House it will meet with such a storm of protest that those who father it will find their political situation very precarious.

Trusting that you will be able to see the matter in this light, we remain,

Very truly, yours,

AMERICAN BRASS AND IRON CO.  
L. K. DOUGLASS,  
Secretary-Treasurer.

[American Ship Windlass Company.]

PROVIDENCE, R. I., February 27, 1908.

HON. JOHN J. GARDNER,  
*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: As subcontractors who have a considerable number of Government contracts, we feel that the passage of the above bill would entail a hardship upon us as manufacturers of ordinary commercial products. The enforcement of an eight-hour law of this nature would force us to immediately change the hours of labor in at least a part of our works engaged on Government contracts, which, of course, would cause dissatisfaction and probably trouble with our employees.

The metal manufacturers of Providence have within the past year experienced trouble with the labor unions on account of their desire to force us to practically unionize our shop and make the hours of labor to conform to their wishes. Our position is unalterably for an "open shop," and we believe that the passage of the above bill would ultimately precipitate labor difficulties far in excess of any benefits which might accrue from the passage of the above measure.

Yours, very truly,

AMERICAN SHIP WINDLASS COMPANY,  
 E. G. MARBLE, *Treasurer.*

[The American Multigraph Company.]

CLEVELAND, OHIO, February 29, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to enter a strong protest against the enactment into law of bill H. R. 15651, known as the Gardner eight-hour bill. This bill as at present worded is, in our opinion, weak, uncertain, and contradictory, and is what might be termed dangerous to the peace existing now between employer and employee.

Yours, very truly,

THE AMERICAN MULTIGRAPH COMPANY,  
 R. G. A. PHILLIPS, *Assistant General Manager.*

[Albany Foundry Company.]

ALBANY, N. Y., February 28, 1908.

HON. JOHN J. GARDNER,  
*Chairman of the House Committee on Labor, Washington, D. C.*

DEAR SIR: Owing to the fact that National and State Governments are rapidly placing the manufacturer in the criminal class, by placing tags upon him in favor of one class as against another, I am strongly opposed to H. R. 15651. The law of supply and demand will regulate affairs of this kind. Away with such legislation.

Yours, very truly,

J. E. GAITLEY,  
*President.*

[The American Preserve Company.]

PHILADELPHIA, PA., February 29, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We have just read the provisions of H. R. 15651, known as the "Gardner eight-hour bill," and wish to enter a strong protest against the enactment of such a law, as we consider it an unconstitutional infringement upon personal and property rights. We earnestly trust you may do all in your power to vote and act against such an obnoxious measure.

Yours, very truly,

THE AMERICAN PRESERVE COMPANY,  
 L. J. LINK, *President.*

[The Art Stove Company.]

DETROIT, MICH., March 4, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We wish to enter a protest against the enacting of the bill providing for "limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

Such a bill, in our opinion, would result in great damage, not only temporarily but permanently, to the great body of manufacturers and contractors of the best kind in the entire country and would surely be unjust and unfair.

Yours, respectfully,

THE ART STOVE COMPANY.  
 JOHN O. CAMPBELL,  
*Secretary and Treasurer.*

[American Hoist and Derrick Company.]

ST. PAUL, MINN., March 4, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

SIR: Our attention has been called to the Gardner eight-hour bill (H. R. 15651), and after a careful reading of same there is no question but that its passage would work a hardship on a great many of your constituents. We therefore trust you will find it consistent to use your influence to defeat the passage of this bill.

Respectfully,

AMERICAN HOIST AND DERRICK CO.  
 W. O. WASHBURN, *Treasurer.*

[American Sash and Door Company.]

KANSAS CITY, MO., March 4, 1908.

HON. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: My attention has been called to H. R. 15651, introduced by Mr. Gardner, of New Jersey, the purpose of which is to apply the eight-hour-a-day rule to all labor on Government contracts. This, of course, as you understand, is simply an entering wedge, and if passed will lead to additional legislation and confusion along the same lines. The application of the eight-hour law on all Government contracts is more far-reaching than would at first appear. This law would be applied on all work, no matter where executed, applying on Government contracts. Such contracts are distributed among subcontractors in the various industries all over the United States, operating under various laws and conditions. There are factories operating practically under the eight-hour rule except at times when it becomes necessary in the rush of business to work perhaps ten hours, and in some cases longer. It would be impractical to operate a manufacturing establishment in some departments and on certain contracts eight hours a day and the balance of the factory on longer or different hours according to conditions existing at that time. Saying nothing of the merit of the eight-hour theory, there is no equity in a rule that might result in certain employees who happen to be working on Government jobs being forced to confine their efforts or earnings to an eight-hour basis, while others might be privileged or required to work longer hours.

I refer to this feature, not with an idea of suggesting anything that you would not fully understand, but solely for the purpose of calling your attention to the confusion that would result, and I sincerely trust you will use your best influence to defeat vicious legislation of this kind.

Yours, truly,

F. J. MOSS.

[W. D. Allison Company, physicians' office furniture.]

INDIANAPOLIS, IND., March 12, 1908.

CHAIRMAN OF THE HOUSE LABOR COMMITTEE OF CONGRESS,  
Washington, D. C.

DEAR SIR: We notice that there is a bill being considered before Congress for an eight-hour law. We want to protest against the passage of a bill of this kind, as we consider that it is absolutely uncalled for, and would be a detriment both to the laboring men and the manufacturers. A law of this kind would encourage idleness and dissipation, and prevent honest, industrious workmen who want to provide for their families and get a little ahead, from getting a decent living. No man who is ambitious and energetic will object to working nine or ten hours a day. Frequently the man who quits work at 4 or 4.30 p. m. will spend an hour or two in the saloon before going home to supper. The industrious man would rather work until supper time and thereby increase his revenue. Many of these bills are gotten up by the walking delegates of labor unions, curtailing the privileges and freedom of the laboring men. They depend on catching the law-makers off their guard and expect to get them passed through Congress in this way.

I hope you will give this matter serious consideration and not allow a bill of this kind to get through Congress if it can be prevented.

Yours, very truly,

W. D. ALLISON Co.,  
Per W. D. ALLISON.

[Abner Doble Company, engineers.]

SAN FRANCISCO, U. S. A., March 4, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We wish to enter protest against bill H. R. 15651, on which hearings began on February 18, and which we understand are still in progress.

We trust that all bills of this character will be defeated. This is the worst of class legislation that can be brought up, and we hope that vigorous action will be taken against same.

Yours, very truly,

ABNER DOBLE COMPANY,  
W. A. DOBLE, President.

[Boston Forge Company, hammered iron and steel forgings.]

BOSTON, MASS., March 23, 1908.

HON. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

BOSTON FORGE CO.,  
THOS. COPELAND, Superintendent.

[Telegram.]

PHILADELPHIA, PA., February 18.

HON. JOHN GARDNER,  
Chairman House Committee on Labor, Washington, D. C.

Bement Miles Works, of Philadelphia, protests against the Gardner eight-hour bill; to American manufacturers it is a destructive measure.

W. J. HAGMAN,  
General Manager.

[Herbert G. Butt, pattern and model maker.]

BOSTON, MASS., March 21, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and I urge you to vote against it.

Yours, very truly,

H. G. BUTT.

[Elmer E. Baldwin & Co., real estate, loans, renting, and insurance.]

CHICAGO, February 24, 1908.

HON. JOHN J. GARDNER,  
*Chairman of the House Committee on Labor, Washington, D. C.*

MY DEAR MR. GARDNER: I notice you are chairman of the House Committee on Labor, and that you now have before you a bill known as the "Gardner eight-hour bill."

I sincerely hope that this bill will not become a law, and for the following reasons:

In the first place, such a bill would have a tendency to destroy the ambitions of the practical and efficient workman; second, it reduces the value of the labor of the practical and skilled mechanic to the level of the unskilled mechanic, and there is no incentive for a man to put his best efforts in his labor, as there is no advancement.

It is a bad proposition to attempt to fix the hours when a man should work and when he should be idle. Idleness breeds contempt and contempt breeds crime. Such a bill, if it becomes a law, would embarrass hundreds of business houses and factories and would wreck whole industries, and should be known as the "Labor bill to destroy American industries and American independence." It would be un-American, unpatriotic, selfish in its nature, and most embarrassing to every loyal American employee, as well as employer.

Yours, very truly,

ELMER E. BALDWIN.

[The David J. Braun Manufacturing Company.]

CHICAGO, February 24, 1908.

HON. JOHN J. GARDNER,  
*Chairman of Committee on Labor,  
House of Representatives, Washington, D. C.*

DEAR SIR: If not too late, we wish to enter our protest against the passage of the eight-hour bill now before your committee.

We have been supplying the United States Government with electric lighting fixtures for post-offices and court-houses in different parts of this country, and if this law should be enforced it would be utterly impossible for us and all other manufacturers in our line to bid on this work, as they all work nine hours per day, and it would be necessary either to change entirely to an eight-hour day, which of course would kill our business in competition with other manufacturers, or else have a special gang of men only work eight hours on Government work, and thus create a general dissatisfaction among our employees, and at the same time increase the cost of these goods considerable. Now, our men are all perfectly satisfied to work nine hours per day, and at present are only too glad to put in a full week.

We therefore would ask you to kindly consider our position in this matter and give us fair treatment.

Yours, very respectfully,

THE DAVID J. BRAUN MFG. CO.,  
DAVID J. BRAUN, President.



[The Brown Shoe Company.]

ST. LOUIS, February 24, 1908.

HON. JOHN J. GARDNER,  
*Chairman of Labor Committee,  
 House of Representatives, Washington, D. C.*

SIR: We understand House bill No. 15651 is in favor of an eight-hour day of labor, which we conscientiously believe, if passed, would be detrimental to the interests of laborer and employer combined, and we wish to impress upon you the desirability of defeating the passage of this bill.

Hoping your views will coincide with ours, and thanking you in advance for your kind attention, we remain,

Yours, respectfully,

THE BROWN SHOE CO.

[G. H. Bushnell Press Company.]

THOMPSONVILLE, CONN., February 20, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
 Washington, D. C.*

DEAR SIR: Referring to the bill H. R. 15651, otherwise known as Gardner eight-hour bill, which we understand is before the committee or subcommittee in the House, we would respectfully request that you give this matter due consideration and if you can see your way to do so leave no stone unturned that will defeat the object of this bill. The manufacturing industries of the country we think are seriously threatened by the passage of any such bill as the one referred to.

For example, take our own case in hand. We are competing very largely now with English and German concerns for foreign trade, also trade in the Orient as well as South American countries. We are heavily handicapped at present by excessive tariff duties which enable our steel mills to sell abroad cheaper than we can buy at home and in addition to the advantage they have in foreign countries over us with cheaper labor and longer hours, and it is the intention of the parties who seem most interested in having this bill passed that if it can be passed referring to the Government labor it is only the entering wedge and the probabilities are that other legislation might follow which would make the movement more widespread and put the manufacturers of our class and other classes in shape where we would be totally unprepared to compete with foreign manufacturers. As it is now, we lose much business that might be gotten owing to the conditions, as above stated, and in our special line of work, and we believe in many others, the conditions in the United States have gotten to a point where manufacturers must curtail productions by not being able to find sufficient business in home markets for their factories on account of the larger productions that have been arranged for and we should look to foreign markets for this.

To come back to the bill proper, we have done in the past quite a good deal of work for the Government, but should be totally thrown out of any opportunity of bidding on Government work if this bill should be carried through.

New England has little to stand on besides her manufactories and if these are imperilled, as we believe they are, by the passage of such bills, it would place New England and Connecticut notably in a very bad condition.

Trusting that you will be able to see this in the light of the above and use your influence to hinder any such legislation, we remain,

Yours, truly,

G. H. BUSHNELL PRESS CO.,  
 M. W. BUSHNELL, Manager.

[Bridgeport Brass Company.]

BRIDGEPORT, CONN., March 31, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: As president of this company I desire to protest against the provisions of the Gardner eight-hour bill as being detrimental to those industries whose production is wholly or partially for the Government.

I do not think it necessary to go into the details as to the harmful aspect of this bill, as I am very sure these have been pointed out by thousands of manufacturers whose views are similar to our own.

I desire that this protest be made a part of the printed record of the hearing.

Very truly, yours,

F. J. KINGSBURY, Jr, *President.*

[Butler Builders' Exchange.]

BUTLER, PA., March 27, 1908.

HON. IRVING P. WANGER,

*House of Representatives, Washington, D. C.*

SIR: At a meeting of Butler Builders' Exchange, of Butler, Pa., held this day, the following resolutions against the passage of the eight-hour law, known as House bill 15651, were adopted:

1. That it takes away the individual rights of a free citizen in a free country and deprives him of the right to work more than eight hours in one calendar day.

2. It works hardship on a contractor where he has a contract that is limited and a forfeiture is at stake.

3. It works a hardship on a subcontractor doing Government work for a general contractor.

Certified from the minutes.

J. RUMMEL, *President.*

Attest:

THOS. G. LYON, *Secretary.*

[The Manufacturers' Association of the City of Bridgeport.]

BRIDGEPORT, CONN., March 30, 1908.

HON. JOHN J. GARDNER, M. C.,

*Washington, D. C.*

DEAR SIR: In your capacity as chairman of the subcommittee of the House Labor Committee I address you in the interest of the Manufacturers' Association regarding the contemplated reporting of H. R. 15651, known as the "Gardner eight-hour bill."

We are unalterably opposed to any legislation which is bound to increase the cost of production of commodities required by the Government, on the ground that just as surely as this is accomplished a general inflation of values is bound to occur throughout the country, and we are liable to have a recurrence of the catastrophe which we have just passed through.

In the present very sensitive condition of business we can conceive of nothing which would so imperil the return of confidence as any agitation along this line, be it successful or not.

Finally, we petition you to have a copy of this communication inscribed upon the record of the hearings before the committee.

We have the honor to remain,

Very respectfully,

THE MANUFACTURERS' ASSOCIATION  
OF THE CITY OF BRIDGEPORT.  
By M. E. BREWSTER-GREENE, *Secretary.*

[The Bridgeport Wood Finishing Company.]

NEW MILFORD, CONN., February 19, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that a new eight-hour bill has recently been introduced and will have a hearing before a subcommittee of the House Committee on Labor beginning February 18.

As manufacturers, we desire to protest against this bill. If allowed to become a law, we believe it will work detrimental to the interests of both capital and labor, and trust that you will do all in your power to prevent its passage.

Thanking you, we remain, very truly, yours,

THE BRIDGEPORT WOOD FINISHING CO.,  
By D. E. BREINIG, *President*.

[Barnhart Bros. & Spindler, Type Founders.]

CHICAGO, *March 20, 1908.*

Mr. JNO. J. GARDNER,  
*House Labor Committee, Washington, D. C.*

DEAR SIR: Two bills which have been proposed to the present Congress seem to us so utterly dangerous and vicious that we trust you will excuse us if we voice to you our opposition thereto and beg of you to oppose them in every possible way.

The measures are the eight-hour bill and the bill to exempt labor bodies from the operations of the Sherman antitrust act.

Not only are there a score of logical, trade, and ethical reasons that should make it impossible for such bills to become laws, but there are 20,000,000 living reasons why they should be defeated by unanimous vote. These are the 20,000,000 honest working people of the United States who would be practically enslaved by such laws; they would be deprived of the right of free contract, and they would be compelled to join an unincorporated and irresponsible body, with practically autocratic and unlimited powers over them. They would be forced into violent opposition to human and divine law, and the very precedent of special legislation in that form would in the end react against them more than against any other class of society. In the end they would be bound hand and foot. Capital would also claim and secure perilous special legislation. We plead for the liberty of the workingman; his would-be leaders and false friends will deprive him of it if the plans they have now unwisely broached to Congress, purporting to be in his behalf, are carried out and enacted into law. The salvation of the workingman is that he shall stand before the law exactly as every other citizen stands.

Yours, very truly,

BARNHART BROS. & SPINDLER.

[E. Bailey & Sons (Incorporated), planing and molding mill.]

PATCHOGUE, N. Y., *February 19, 1908.*

HON. J. J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We wish to enter our protest to favorable report on passage of the Gardner eight-hour bill (H. R. 15651). This or any other compulsory eight-hour bill is wrong in principle and we wish to enter our protest to favorable consideration of any such measure, particularly the above-referred-to measure.

We trust that the numerous protests which you will no doubt receive to this will lead you to present unfavorable report of this measure.

This would be an opening wedge to a general eight-hour day in private employment, which would no doubt be agitated should the above measure be passed. We trust that you will use your influence to prevent passage of this.

Yours, truly,

E. BAILEY & SONS.

[Byram & Co. (Incorporated), foundry machinery.]

DETROIT, MICH., U. S. A., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: Our attention has been called to H. R. 15651, recently presented in the House, relative to reduction of hours of labor on all Government work,

which, of course, eventually means all work. We object strenuously to the passage of this bill, believing it a serious handicap to American manufacturers and American workmen.

Our own company very rarely does any Government work directly, but do more or less indirectly through others. We could not, of course, expect to do any more if this so-called eight-hour law was passed. Our present arrangement is ten hours five days a week and five hours on Saturday, and we verily believe the majority of employees throughout the country are satisfied with such a work day; and if this eight-hour law, with a penalty for overtime, is passed it would, in our judgment, work a great hardship to otherwise contented employees. Curtailing product advances prices, which would work a double hardship on employees, who are the largest buyers.

We therefore beg to register our protest against the passage of this bill.

Yours, respectfully,

BYRAM & Co. (INCORPORATED),  
By THEO. P. BYRAM, *Treasurer*.

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[The Blanchard Machine Company, mechanical engineers.]

CAMBRIDGE, MASS., March 24, 1908.

HON. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed will severely handicap our business, as well as that of a large number of other manufacturers. We are working a considerable fraction of our shop on Government work, which we should be obliged to discontinue if this bill should pass, as it would be a practical impossibility for us to have one part of the shop working nine hours per day and part of it eight hours per day, and we should be unable to compete with other nine-hour shops if we were to run our whole shop on an eight-hour basis. We respectfully urge you to go against this bill.

Yours, truly,

THE BLANCHARD MACHINE CO.,  
By WINSLOW BLANCHARD, *Secretary*.

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[Betts Machine Company, heavy machine tools.]

WILMINGTON, DEL., February 20, 1908.

HON. JOHN J. GARDNER,

*Washington, D. C.*

DEAR SIR: We desire to protest as strongly as possible against the eight-hour bill (H. R. 15651).

Please do all in your power to prevent its passage.

Very truly, yours,

BETTS MACHINE CO.,  
EDWARD T. BETTS, *Treasurer*.

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[Bonnet-Nance Stove Company.]

CHICAGO HEIGHTS, ILL., February 19, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We have been informed that another eight-hour bill has been, or will be, introduced before the House, and, like its predecessors, it strikes at the prosperity and liberty of the American workingmen and manufacturers.

We can not understand why these bills are repeatedly presented, but presume the "labor Representatives" must make good with their colleagues, and we therefore feel constrained to repeatedly register our protest against same.

This matter has been discussed pro and con, and no sane business man or workingman can see any justice in it or any benefit to be derived therefrom. It is a matter that appeals only to the loafer, labor agitator, and cheap poli-

tician, and we might add cheap attorney who is forever looking out for such "fool laws" as these, to create controversy and thereby mulct fees.

We can not find words adequate to condemn this bill. In short, we think it simply monstrous.

Yours, truly,

BONNET-NANCE STOVE Co.,  
L. W. BONNET, *Secretary*.

[Buhl Malleable Company.]

DETROIT, MICH., February 21, 1908.

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

MY DEAR SIR: The writer is informed that you are chairman of the House Committee on Labor, under which a bill for eight hours per day will, in the near future, come up before you for discussion. As one of the managers of a large manufacturing plant of this city, I most strenuously desire to protest against this unfair bill, doing so for our own protection as well as for the good of the workingman. For thirty-one years the writer has been fortunate, or unfortunate, as the case may be, in handling men, and of later years iron molders and people connected in that line of work. We have tried always to be just and fair with our men, in considering them—if they wanted money and could work hard, they should be well paid. We have given the matter our very careful consideration, and we know that an eight-hour bill will work to the detriment of the men. The best men that we have, the most reliable men, those who take the best care of their families and save their money, are the men who would desire to see the ten-hour bill, instead of the eight-hour bill. If they are on piecework, as most of the work in this country now is, they can earn more and produce more, are fewer hours in the saloons and other places which are not to their credit. The writer has talked personally with a large majority of our best workmen and this is their sentiment.

This is not being written by an employer who desires to get all he can out of his men, making the hours burdensome and heavy, to reap the benefit himself, but, in his estimation, is considering the employee as well as the employer.

My experience as executive officer of different associations of manufacturers and prominent business men has led me each year to be more convinced of the fairness of the employers, at the present time, to their men.

We absolutely know and are told by our men that in their unions and in their conventions they are controlled by the rabid and bad element, although these men are very much in the minority. Their ability to talk and lead the meetings is the cause of most of the trouble between the employer and employee. We believe that if the reliable and best workmen could come before your committee, and not the walking delegates and trouble makers, a different sentiment would be expressed than you will hear from these committees.

Yours, respectfully,

CHARLES A. RATHBONE,  
*Treasurer and General Manager.*

[The E. C. Brown Company, pumps.]

ROCHESTER, N. Y., U. S. A., February 18, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Through the National Association of Manufacturers we are notified of a limited hearing to be given the Gardner bill before a subcommittee of the House Committee on Labor, and we, as manufacturers who are marketing our goods in open competition with others, claim the same right in the employment of our labor.

We have given much consideration to labor questions, and we believe that no eight-hour law is required or advisable, and believe that the cause of labor would be injured rather than benefited by such regulation.

Very truly, yours,

THE E. C. BROWN COMPANY,  
E. C. BROWN, *President and Treasurer.*

[Birdsey Somers Company, corset manufacturers.]

BRIDGEPORT, CONN., February 18, 1908.

HON. JOHN J. GARDNER,  
Washington, D. C.

DEAR SIR: We note with regret the bill which you have recently introduced in the House concerning the eight-hour measure, and should this be passed it would be disastrous for a great many private concerns whose running time can not be lessened without a considerable loss.

We have never had any dissatisfaction among our help, as they are paid well, and they prefer the ten hours, but if eight hours were to be forced upon them it would, of course, mean less wages to them to begin with, as our work is entirely piecework; yet at the same time our loss would come in in the reducing of our production. Our goods are sold very close and we can only run with a profit where we get the full ten hours' work, and therefore in behalf of ourselves and others we would ask you to have this measure withdrawn.

Hoping you will look upon this in the manner in which we have written you, and thanking you in advance for any consideration shown same, we remain,

Yours, very truly,

BIRDSEY SOMERS CO.,  
JOS. B. HURBELL.

[Boston Belting Company.]

BOSTON, MASS., February 18, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: Having been advised that you have recently introduced an eight-hour bill (H. R. 15651) which is practically identical with similar measures introduced in the Fifty-seventh and Fifty-eighth Congresses, we wish to formally enter our protest against favorable consideration of this measure.

The right of an American citizen to sell his labor to the best advantage is a fundamental principle of our form of government which should not be taken away by legislation. It is certainly the privilege and the right of an individual to sell as much or as little of his labor as he may think best.

There are many objections to the enactment of an eight-hour measure which have been presented in the two previous Congresses and which will be placed before you, no doubt, in connection with the consideration of the present measure. We urge your careful consideration of these arguments and trust that the passage of the measure referred to will be defeated.

In our opinion, this bill is the entering wedge to a general eight-hour day in private employment, and we do not think such a condition of industrial affairs is broadly desirable or in every way for the best interests of this country.

Yours, respectfully,

BOSTON BELTING COMPANY,  
By JAMES BENNETT FORSYTH,  
General Manager.

[S. Barker &amp; Sons, printers, stationers.]

CLEVELAND, February 25, 1908.

HON. JOHN J. GARDNER,  
Chairman House Committee on Labor,  
House of Representatives, Washington, D. C.

DEAR SIR: We earnestly desire your support in the defeat of House bill 15651, "A bill limiting the hours of daily service of laborers and mechanics on Government work."

We believe this would be seriously detrimental to the interests of all private business enterprises undertaking work for the Government.

Yours, truly,

S. BARKER &amp; SONS.

[Berkowitz Envelope Company.]

KANSAS CITY, Mo., February 24, 1908.

HON. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I have read with much interest copy of the bill which you introduced and which was referred to the Committee on Labor (H. R. 15651). I can not urge upon you too strongly my hope that this bill will not be favorably reported by your committee, and I trust that you will be able to advise me that my hopes in this instance are fulfilled.

Very truly, yours,

W. J. BERKOWITZ.

[Geo. A. Bayle, food products.]

ST. LOUIS, February 29, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Our attention has been called to a bill called the eight-hour bill. We beg as manufacturers to protest against this for the reason that a matter of this kind had better be left to the labor organizations, who are hard enough on the manufacturers in this regard, without it getting into a political question from Washington.

We do not see where it would be good policy for the National Congress to take up a matter of this character. We believe if you will think it over from all standpoints that this should be left to the States and to the labor organizations, who look after propositions of this character, without it going into national legislation.

Yours, very truly,

GEO. A. BAYLE.

[The Baldwin Chain and Manufacturing Company (Incorporated).]

WORCESTER, MASS., February 28, 1908.

HON. JOHN J. GARDNER,  
*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: We write to express the company's opposition to the eight-hour labor law now before the committee.

We do a little subcontract work with the Government and we can see where this would be very far-reaching and annoying, without any profit to anyone.

Very truly, yours,

BALDWIN CHAIN AND MANUFACTURING CO.  
 W. H. GATES, *Treasurer*.

[Binney &amp; Smith Company, manufacturers, exporters, and importers.]

NEW YORK, February 28, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We respectfully beg to enter a protest against the passage of the Gardner eight-hour bill, H. R. 15651, as we consider the same a dangerous measure and unconstitutional.

Yours, very truly,

BINNEY & SMITH COMPANY.  
 C. P. MORRIS.

[The Bonsack Lumber Company, hard woods.]

ST. LOUIS, Mo., February 27, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: The House Labor Committee, as I am informed, are now considering the "Gardner bill, H. R. 15651." This bill in itself may not appeal to you as of much moment, but my humble opinion is that it will "pave the

way" for other bills respecting the hours of labor that would be detrimental to the country and particularly labor.

In view of the present unsettled and therefore unsatisfactory conditions of business of all descriptions (particularly those connected with the building industry, which in a large degree affects all lines of business, and at present this branch is particularly depressed), bills of the character referred to would only increase the depression. I therefore believe that on mature consideration from all standpoints—the employer, employee, and the country—you will find that you will be justified in protesting against the passage of this or any like bill.

A letter of this character up to a few years ago would be considered a waste of time on account of the influence and supposed weight of the labor element, but within the past two years it has been demonstrated that the laborer, by his vote at the polls, particularly in the case of Littlefield, of Maine; Smith and Cannon, of Illinois, and Jenkins, of Wisconsin, has views entirely foreign to those of the so-called leaders of labor on many questions.

Again asking your careful consideration of the above, I remain,

Yours, very truly,

W. A. BONSAK.

[C. C. Bradley & Son, Incorporated, hardware specialties.]

SYRACUSE, N. Y., February 27, 1908.

Hon. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to your proposed eight-hour bill (H. R. 15651). We wish to most earnestly protest against the passage of this bill. Evidently this bill is urged by the American Federation of Labor, who hope by its passage to force a large number of manufacturers into adopting the eight-hour day. We maintain that it is the private right of employers and employees alike to run their factories or to work as many or as few hours as they see fit, or as may be mutually agreed upon without any interference whatever from the Government or the American Federation of Labor. This is a right that no fair-minded man can dispute. Take our own case, for instance. We have run our plant ten hours per day six days per week ever since 1832. This has been agreeable to us and to our men. If this proposed bill becomes a law, we will be compelled to run our plant but eight hours per day if we do any work for the Government. This might be arranged, as far as we are personally concerned, but how about the concerns from whom we buy certain material which goes into the work we produce for the Government? Would we have to buy raw materials only from such concerns as ran their plants eight hours per day? How could we tell whether or not the steel mills and steel and iron foundries only worked eight hours per day on the material we bought of them? Would we be liable to fine and imprisonment if the materials we bought had been worked on more than eight hours per day from the mines to us, even though we were innocent parties to the transaction?

Now, suppose we got an order from the Government, assuming this bill becomes a law, must we get an absolute guaranty on all the materials we buy that none of them have been produced with more than eight hours' labor per day? How are we to know whether our coal, oil, steel, and iron, etc., have been produced with more than eight hours' labor per day? We make power hammers and heating forges. Suppose this bill becomes a law and we get an order from the Government for some of our goods. We may have the goods in stock and can make immediate shipment, but these goods were produced by ten hours' labor per day. What are we to do; refuse the order or make the part or parts with eight hours' labor per day and see to it that all the materials entering into these parts were produced from the mines to us by but eight hours' labor per day? Perhaps we could fill the order under the law, but we would refuse to fill it under such conditions. Think of the delay it would cause the Government; months, at least; perhaps years. Think of the increased cost to us and to the Government. Now, we get orders for repair parts from the Government for hammers now in use at arsenals, navy-yards, etc. Perhaps the hammers are out of use for want of these parts and the Government wants these parts rushed to them, so as not to delay the Government work. We couldn't fill these orders from stock the same day they were received, because our stock has been worked



on ten hours per day. What would we do? We would refuse to fill the orders, and as a result the Government would lose the use of our hammers and would have to abandon them for want of repairs. The Government has in use thousands of dollars' worth of our hammers. Would you want the Government to throw all these hammers into the scrap heap, at thousands of dollars' loss to them, simply because you passed a bill that specifies that work for the Government must not be worked on more than eight hours per day?

It does not seem possible that you realize the importance and possibilities of this bill. We can not see who can want it passed except the American Federation of Labor. Their object is as plain as A B C. They want to force the eight-hour day upon the manufacturers of this country through the medium of the Government. What do they care how much they may embarrass the Government? The American Federation of Labor is trying in every way to get in a position where they can tell a manufacturer how he can run his business. Will the manufacturers stand for this dictation? Some of the jelly-spined manufacturers may but the rank and file will stand their ground and either run their own mills or close them up and retire. Don't be misled by the American Federation of Labor or any other class. Protect the Government, let the manufacturers and great employers of labor alone, stand out for the "square deal" for everyone. Remember that the prosperity of this great country depends not a little upon the employers of labor. Don't put a millstone about the neck of the manufacturer or throw any boomerangs. Figure out all the possibilities of this bill from every point of view. The manufacturers will refuse to fill Government orders before they will make themselves liable to fines or imprisonment under the proposed H. R. bill 15651. All of which is most respectfully submitted.

C. C. BRADLEY & SON, Inc.,  
C. C. BRADLEY, Jr., *Secretary*.

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[The C. O. Bartlett & Snow Co., manufacturers of mill and labor-saving machinery.]

CLEVELAND, OHIO, *February 29, 1908.*

Hon. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We take the liberty of writing you regarding the Gardner eight-hour bill now before the subcommittee of the House Labor Committee. It would seem to the writer as though this is no time to further antagonize the manufacturing concerns of the United States. I fully believe that one-fourth of the manufacturing companies of the United States are on the verge of an assignment, and to further antagonize them is a very serious matter indeed.

I do not think it is possible for us to have a progressive and successful Government without manufacturers. We are well located for it, and our trade with South America is increasing some, with a fair chance of increasing more, but if we have further complications and labor troubles we might just as well give up the whole thing. It is almost impossible for us to compete now with England, Germany, and France. I most sincerely trust that these so-called eight-hour bills, whether they are Government bills or not, can rest, and if they could be laid to rest forever it would be very much better for everyone concerned.

There are in this city hundreds of people begging for work, good honest men, but it is utterly impossible for the manufacturers to keep them going, much as they would like to do so.

Yours, truly,

THE C. O. BARTLETT & SNOW CO.,  
Per C. O. BARTLETT, *President*.

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[Buffalo Cooperative Stove Company.]

BUFFALO, N. Y., *February 29, 1908.*

Hon. J. J. GARDNER,

*Washington, D. C.*

DEAR SIR: I wish to add my protest against the passage of your eight-hour bill, as this bill will raise havoc with the manufacturers of America,

and feel that you are not doing justice to the large employers of American labor.

Trusting that you will see the error of your way, I am,  
Yours, truly,

E. KENER, JR.

[F. W. Brockman Commission Company.]

ST. LOUIS, February 28, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I notice in the reports that you have introduced House bill No. 15651, treating on the labor question, and which strongly advocates the eight-hour schedule. I take this opportunity to protest against the enactment of such a measure. Employers are now suffering humiliation and serious losses by the arrogance and unreasonable demands made by labor. I believe in organizations of labor for laudable and proper purposes, but the present labor agitator has become such a serious menace to the industries of this country that any additional power placed in his hands will result in incalculable losses to the industries and employers of this country.

There is a limit to which these things can be carried, and the result will eventually be disastrous to labor itself. The cost of production has now become so high in many lines that consumption is curtailed. As a consequence labor is dismissed or discontinued, and the army of unemployed will become greater from day to day. The question of time, terms, etc., can be safely left in the hands of employer and employee. If they find that eight hours is being legally considered a day's work, it will only be an entering wedge to upset harmonious cooperation which now exists. The honest labor is the strength and wealth of the land. But the demagogue who usually swings the labor unions, dictates their policy, and formulates their measures is worse than the pirate who helps himself to the property of his fellow-men.

I hope that your committee will not report the bill favorably.

Yours, very respectfully,

F. W. BROCKMAN.

[Baker Printing Company, printers and lithographers.]

NEWARK, N. J., February 29, 1908.

HON. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

HONORABLE SIR: As thousands of other manufacturers, we are keenly concerned over the eight-hour bill, H. R. 15651.

If the Members of Congress were all manufacturers, the serious injustice of the provisions of this bill would be so clearly apparent to them that it would not seriously be considered for a moment.

We sincerely hope you will carefully weigh the objections and protests received against this bill and not permit to pass what would seem an unconstitutional infringement upon personal and property rights.

Yours, very respectfully,

BAKER PRINTING CO.,  
WM. A. BAKER, *President*.

[Buckingham & Hecht (Incorporated), boots, shoes, and rubbers.]

SAN FRANCISCO, February 24, 1908.

HON. JNO. J. GARDNER, *Washington, D. C.*

DEAR SIR: We beg to note there is a bill before the committee of which you are chairman known as eight-hour bill (H. R. 15651). We believe this bill to be a menace to the manufacturing interests of this country, and that the best interests of the nation would be subserved by having the bill defeated.

Yours, truly,

BUCKINGHAM & HECHT.

[A. Buch's Sons Company, land rollers.]

ELIZABETHTOWN, PA., February 29, 1908.

HON. JNO. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Being members of the National Association of Manufacturers, we have learned of the Gardner bill which is before Congress at the present time, which is in effect to make an eight-hour working day. No doubt the manufacturers have not been considered in this respect by Mr. Gardner in framing this bill, but we strongly oppose any steps in this direction, looking at it from the manufacturer's standpoint, as we believe every manufacturer, if compelled to adopt the eight-hour system, will suffer thereby.

It would be necessary to have three shifts in order to run night and day, and where only daily operations are carried on it would greatly curtail the output and increase the cost.

Any steps you may take for the rejection of this bill will be greatly appreciated by us, as well as all manufacturers.

Yours, truly,

A. BUCH'S SONS CO.,  
WM. H. BARNES, *Secretary.*

[John Bornman & Son, printers.]

DETROIT, MICH., February 25, 1908.

HON. EDWIN DENBY,

*Member of Congress, Washington, D. C.*

DEAR SIR: We would most respectfully and earnestly enter a decided protest against the passage of the Gardner eight-hour bill, now before Congress, and would be pleased to have your honor use your best endeavors to prevent the same from becoming a law.

We submit the following objections, each one fatal, to the Gardner eight-hour bill as part of our protest:

The Gardner eight-hour bill, if enacted, would involve revolution and destruction to American manufacturers; it would be applied socialism by force.

It would wreck whole industries. (A Senator has declared that it ought to be entitled "A bill to destroy the shipbuilding industry of the United States.")

It would irretrievably embarrass, industrially and financially, hundreds if not thousands of plants whose product is intended wholly or partly for the Government.

It would drive hundreds of concerns out of the field of Government bidding; it might result in the establishment of Government factories.

It would be the irresistible entering wedge of new labor legislation, for the labor lobby would not stop here.

It is a proposition, by indirection and in time, to legislate the hours of labor into the private enterprises, factories, mills, and workshops of the whole country by act of Congress.

It has been seriously considered when there were not enough men for the jobs; to urge it now, when business men want above all things freedom from agitation of every kind, is a veritable crime.

Very truly, yours,

JOHN BORNMAN,  
Of JOHN BORNMAN & SON.

[Broderick & Bascom Rope Company.]

ST. LOUIS, MO., March 4, 1908.

HON. JOHN J. GARDNER, M. C.,

*Chairman Labor Committee, House of Representatives,*

*Washington, D. C.*

DEAR SIR: Referring to the above bill, now before your committee for consideration, we, as manufacturers and large employers of labor, desire to earnestly protest against the favorable recommendation or passage of such a bill as would perhaps lead to serious difficulties in the operation of our business. We do not

insist upon our employees working more than about eight hours for a day's work, but we do sometimes find it necessary to ask them to work overtime, for which they are paid extra. We believe that the above bill is a paternalistic and socialistic exercise of the police power, without precedent in the practice of this or any other nation, and, in forbidding overtime, violates the wishes, practices, and demands of the unions themselves, and in our opinion the bill ought not be even favorably reported by your committee.

We do not wish to burden you with any unnecessary arguments, but trust you will give the whole matter mature consideration and that you will agree with us in the views above expressed.

Yours, truly,

BRODERICK & BASCOM ROPE CO.,  
JOS. D. BASCOM,  
*Secretary and Treasurer.*

[Bemis Bro. Bag Company.]

ST. LOUIS, Mo., March 2, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington D. C.*

DEAR SIR: We refer to the Gardner eight-hour bill, H. R. 15651, and we wish to register an earnest protest against the measures contained in this bill. We believe a bill of this kind, if it should become a law, would be a serious detriment to the manufacturers who figure on Government contract work.

Yours, truly,

BEMIS BRO. BAG CO.,  
J. S. BEMIS.

[L. Black Company, clothing.]

ROCHESTER, N. Y., March 2, 1908.

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: Our attention has been called to House bill 15651, known as the Gardner eight-hour bill, and would state, as this measure involves a principle which, if admitted to our statute books, would inflict serious injury to this country, we are strongly opposed to its passage.

We remain, yours, truly,

L. BLACK COMPANY.

[Belle Hickey Manufacturing Company, show cases.]

ST. LOUIS, Mo., March 3, 1908.

HON. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We have carefully studied the matter of pending legislation regarding instituting a universal eight-hour law to apply to all industries, and after carefully studying this subject from all views point we have, after calmly deliberating this matter, decided that the passing of such a law at this time would be very injurious to the general business interest of this country, and we very urgently request you to use your best endeavors to see that this law is defeated.

Respectfully, yours,

BELLE HICKEY MFG. CO.,  
Per M. F. HECHT.

[Rothschild Brothers Hat Company, hats and gloves.]

ST. LOUIS, February 28, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We desire to record our protest against passage of bill H. R. 15651, and we sincerely trust that your influence may be directed to the defeat

of that measure. This is simply another effort to get through legislation that failed in the Fifty-seventh and Fifty-eighth Congresses, and any legislation trying to reduce by statute the length of a working day in private employment we feel is inimical to the public good.

Yours, very truly,

ROTHSCHILD BROS. HAT CO.,  
MAX STERN, *Secretary*.

[H. Belfield & Co., founders and manufacturers.]

PHILADELPHIA, March 13, 1908.

MR. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We are informed you have introduced a bill (H. R. 15651) making eight hours a day's work, which we understand is practically the same as the eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses.

As employers of labor we trust you can see your way clear to vote against this measure. We do not believe it will be for the best interest of the laboring man. The average man will only use the extra idle time to his own injury; neither are the best men clamoring for it. We believe we have a lot of men in our employ as well satisfied to work between nine and ten hours per day as any that are working eight hours. We treat them humanely and pay them fair wages, and we have never had trouble, except when the walking delegate stirred up strife and dissatisfaction.

We are sticklers for the rights of our workmen, and consider their every need; pay full wages when men are sick or hurt; employ crippled men and deaf mutes; always have several of the latter in our employ. We never inquire whether a man is a union man or not, but never allow them to run our business.

The Baldwin Locomotive Works, employing probably more men than any manufacturing concern in the United States (except the United States Steel Company), work their men ten hours per day, and they have never had a strike or any trouble, although labor leaders have exhausted their efforts and work indefatigably to foment a strike, but without success, until they have abandoned their efforts.

The increased cost of manufactures by reason of eight hours' labor would greatly restrict consumption. A labor man when asked what they would demand when they got eight hours replied, "We would then demand seven hours as a day's work." We think it has been definitely settled their demands have no limit. We are conversant with the case of an organ builder who was under contract to complete his work by August 1 last year; his men were getting \$10 per day for eight hours, they struck for \$12 per day, and the work was delayed four months. Meanwhile the employer was stricken with nervous prostration through worry and nearly died.

It would not be possible to employ a portion of the help on Government work eight hours per day and work longer on other goods. You can readily imagine the trouble that would ensue.

If such a law was passed many of the best Government contractors would refuse to bid, so you can see how greatly the cost would be increased to the Government.

The same spirit that prompts the bills that have been presented to Congress prompts the outrages and loss of life throughout the country by reason of anyone daring to oppose the tyrannical edicts of labor unions. Of all trusts, the "labor trust" is the most monstrous.

Truly, yours,

H. BELFIELD & Co.

[Beloit Iron Works, paper machinery.]

BELOIT, WIS., February 28, 1908.

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We notice the regular eight-hour bill has bobbed up again.

Why is it Congress persists in dabbling with questions that have no connection whatever with legislative functions? Possibly Congress will seek to regulate the people's diet and religion shortly. Of course it is well known this

and kindred bills are the results of clamor of labor union officials residing in Washington. "Clamor" it is, pure and simple. Please don't confound labor unions and workingmen; they are not synonymous by any means. The former compose at the present time not over 7 per cent of workingmen in the United States, and fully one-half of this 7 per cent are members through coercion. Also a large proportion are not affiliated with the American Federation of Labor; also the latter has lost about one-third of its membership the past two years. Therefore all this agitation is simply a "tempest in a teapot."

We hope you will oppose this bill and kindred bills, as they are class legislation, and favoring a mighty small class at that.

Yours, truly,

BELOIT IRON WORKS.  
A. ALDBICH, *President*.

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[Botany Worsted Mills.]

PASSAIC, N. J., *March 2, 1908.*

HON. JOHN J. GARDNER,  
*House Labor Committee, Washington, D. C.*

DEAR SIR: We take the liberty of addressing you in regard to the proposed Gardner eight-hour bill (H. R. 15651), introduced in the House of Representatives January 29, 1908, and now in the hands of the House Labor Committee, and believing that the enactment of such a law would be inimical to the best interests of labor as well as employers of labor, we hereby respectfully protest against the passage of this bill, and sincerely hope that your committee will report unfavorably on same.

Respectfully,

BOTANY WORSTED MILLS,  
LEW KUHN, *Treasurer*.

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[Bryan-Marsh Company, incandescent lamps.]

CENTRAL FALLS, R. I., *March 6, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: The writer is under the impression that the passage of the child-labor law (H. R. 15651) is a hardship to all manufacturers as well as to the public.

Very respectfully, yours,

BRYAN-MARSH CO.

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[Blakeslee Manufacturing Company, single and duplex steam pumps.]

DUQUOIN, ILL., *March 6, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We write protesting against the passage of your bill, H. R. 15651. Should this law go into effect it would effectively shut out the great majority of manufacturers from bidding on Government work.

We are quite sure that there is no demand from the great body of workingmen for the passage of this or any similar bill. It can only work a hardship on them if passed.

Yours, truly,

BLAKESLEE MFG. CO.,  
E. F. BLAKESLEE, *Secretary*.

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[Brown, Treacy & Sperry Company, stationers.]

ST. PAUL, MINN., *February 20, 1908.*

HON. F. C. STEVENS,  
*House of Representatives, Washington, D. C.*

MY DEAR MR. STEVENS: I have had my attention called to the so-called Gardner eight-hour bill, which has been introduced in the House. I have no copy of the bill before me, but with such information as I can get I believe it will be detrimental to the interests of all who wish to see credit commissions prevail.

Relative to employers and employees, I would ask you to kindly give this your attention. Investigate the same carefully, and if consistent with your ideas of justice, do what you can to prevent the passage of such a bill.

Yours, very truly,

D. S. SPERRY.

[Boston Machine Works Company, shoe machinery.]

LYNN, MASS., *March 2, 1908.*

HON. JOHN J. GARDNER,  
*Congress, Washington, D. C.*

DEAR SIR: Referring to the "Gardner eight-hour bill," we have considered the possible outcome of such a bill and we believe it would be a very serious thing if Congress should pass any such measure. While the intention on the part of some may be good, we feel sure that this measure would eventually prove a serious handicap to the shipbuilding industry of the United States. Our firm is quite closely in touch with the foreign market, and it is more apparent to us each year that handicaps to industry must not be increased.

We hope you will use your influence to prevent such a bill passing, as we believe in so doing you will serve your constituents in the best possible manner.

Yours, truly,

BOSTON MACHINE WORKS COMPANY,  
H. I. ILLINGWORTH, *Manager.*

[Buffalo Scale Company.]

BUFFALO, N. Y., *March 5, 1908.*

MR. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I am interested in bill H. R. 15651 and write to ask your opposition to it. This bill would prevent this company from figuring on Government work, for, with our competition, English and German aside from domestic, the eight-hour day is impossible.

It seems to me a grave question as to the Government's moral right, if not its legal, to set a limit of this kind upon a man's efforts to earn his bread. If that right of limitation exists, then the labor agitators will in time ask for further reduction, six or even four hours being entirely possible. I know of a case where a demand for a forty-hour week was made by the employees of a planing mill after an eight-hour day had been conceded them.

I do not believe this is a matter for Government interference. The nine or ten hour day is not a hardship. If this question was dollars against the health and lives of the men, I would say nothing, but it is not. These matters are working themselves out without Government interference. This bill and similar measures may do untold harm to the manufacturers of the United States, and if so, also to the very men who are supposed to be benefited.

Foreign competition is keen. I do not believe many of our Representatives appreciate how keen. Germany and Japan have no handicaps of laws of this kind and pay half our wages or less.

I hope you will look into this matter from the manufacturers' side as here outlined, and trust you will decline to vote for the bill in question.

Yours, truly,

T. L. RICHMOND.

[Edwin E. Bartlett, Greenerd arbor presses.]

BOSTON, MASS., *March 23, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a very large number of manufacturing industries throughout the country, and I urge you to vote against it.

Very truly, yours,

E. E. BARTLETT.

[J. G. Blount Company, manufacturers of metal working tools]

EVERETT, MASS., March 24, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We note that the Gardner eight-hour bill is now before your committee for consideration. We believe if this bill is passed, it will seriously handicap a large number of manufacturing industries throughout the country and we believe that it is intended for an entering wedge to force the manufacturing of this country to an eight-hour basis.

We believe that the Government should have no hand in forcing such conditions upon manufacturers, as it is now almost impossible to manufacture goods for foreign shipment, and shortening the hours would only make it that much worse. We urge you to vote against this measure.

Yours, very truly,

J. G. BLOUNT Co.  
E. I. BLOUNT.

[Blount & Lovell, machinists.]

BOSTON, MASS., March 20, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, truly,

BLOUNT & LOVELL.

[Becker-Bratnard Milling Machine Company, manufacturers of milling machines.]

HYDE PARK, MASS., March 21, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: With reference to the Gardner eight-hour bill now before the committee, any legal authority which reduces the hours of adult labor seriously handicaps manufacturing interests by keeping down the earning capacity of machinery as well as earnings of labor. The manufacturers of machinery for export to foreign countries are all feeling keenly competition with foreign imitation of American goods in countries where laws antagonistic to manufacturers are not tolerated.

The present protective labor laws of the United States we believe are adequate if enforced. Any further restrictive measures against manufacturing interests, we believe, will be a serious blow to our export business, and we trust you will vote against the measure now before the House.

Yours, very truly,

BECKER-BRAINARD MILLING MACHINE CO.,  
JOHN BECKER, *Treasurer and General Manager.*

[Brown & Sharpe Manufacturing Company, machinery and tools.]

PROVIDENCE, R. I., March 20, 1908.

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor, Washington, D. C.*

DEAR SIR: Understanding that the Committee on Labor has under its consideration House bill 15651, entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or, for the District of Columbia, and for other purposes," we beg to hand you herewith our earnest protest against its approval by the committee or its adoption by the House. Section 2 would prevent us from furnishing the different Departments of the Government a large amount of work which we are especially qualified to furnish and which sort of work can not be bought in "open market." The enactment of this bill would mean that,



aside from affecting the sales of this company, the Government would be deprived of such work, as there would not be suitable opportunities for purchasing the desired work elsewhere in "open market," and being special work, no manufacturer is going to hamper his whole organization by catering to the special needs of the Government.

It seems to us that the proposed bill is intended by its earnest advocates as a stepping-stone to other legislation, which would include all the products of manufacture which the Government would desire to use. In our opinion this kind of legislation is wholly wrong in principle. The constant hampering of the Government in its purchases will limit the field of purchase and inevitably tend to insure the Government obtaining inferior articles or no suitable articles at all. From our own knowledge many manufacturers have a prejudice against taking Government orders anyway. Such a bill as is proposed will effectually prevent scores of efficient manufacturers from further bothering with such work.

Respectfully submitted.

BROWN & SHARPE MFG. CO.,  
HENRY D. SHARPE, *Treasurer.*

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[Telegram.]

BUFFALO, N. Y., March 9, 1908.

HON. J. J. GARDNER,  
*Chairman Labor Committee,  
House of Representatives, Washington, D. C.:*

Agitation of eight-hour bill is unfortunate. Reporting it out would be more unfortunate, and manufacturers condemn it.

MANUFACTURERS CLUB OF BUFFALO.

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[Burke Electric Company.]

ERIE, PA., February 20, 1908.

HON. ARTHUR L. BATES,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We would respectfully call your attention to the fact that the provisions of the "Gardner eight-hour bill," which is to be considered at the present session of Congress, are not to the best interests of the United States Government or to the manufacturers of the United States. We have furnished numerous machines to the Government through the Navy Department and the War Department, and our machines have at all times been favorably received, have been in full accordance with the specifications, and we have an excellent standing with these two Departments. If, however, the Gardner bill is passed, it would eliminate us from bidding on any Government contracts.

We are confident that a large number of other manufacturers in the United States will also have to refrain from bidding on Government work if this bill is passed, and, as a result, the Government will be limited to the bids of a small percentage of manufacturers.

We are opposed to any legislation that imposes any restrictions upon free competition in bidding on Government contracts, and we would respectfully request that when this bill comes up for consideration you will oppose it vigorously and vote against it.

Yours, respectfully,

BURKE ELECTRIC COMPANY,  
C. H. SCHUM, *Secretary.*

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[Burroughs Adding Machine Company.]

DETROIT, MICH., March 4, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: Our attention has been called to bill H. R. 15651, introduced by Mr. Gardner January 29, limiting the hours of daily service of persons employed upon work for the United States.

We earnestly believe that in fairness to all persons concerned, whether they may be employer or employee, this bill should not be passed, and we therefore offer our protest against its passage in all sincerity and earnestness, and we trust that the effort to report the bill will be dropped.

Yours, very truly,

BURROUGHS ADDING MACHINE CO.,  
ALVAN MACAULEY, *General Manager*.  
Per A. J. L.

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[Clum & Atkinson, brass founders.]

ROCHESTER, N. Y., *February 24, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

HONORABLE SIR: We understand that the subcommittee of the Labor Committee is now in session for the consideration of the "Gardner eight-hour bill."

We wish to enter our earnest protest against the passage of this bill, which we firmly believe would affect all classes of private enterprise, and many of them disastrously. Business conditions at the present time do not warrant an experiment along the lines laid down by this bill; and even in better times it is our opinion that a bill of this character would work infinitely more harm than good. We earnestly hope your committee will consider the matter in this light and not report favorably upon it.

Yours, truly,

CLUM & ATKINSON,  
Per G. T. MASON.

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[Electrical Contractors' Association of the City of Chicago.]

CHICAGO, ILL., *February 25, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: On behalf of the Electrical Contractors' Association, we desire to add our voice in opposition to the Gardner eight-hour bill.

Very truly, yours,

FRED. P. VOSE.

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[Chicago Brass Manufacturers' Association.]

CHICAGO, *February 18, 1908.*

MR. JOHN J. GARDNER, M. C.,  
*Washington, D. C.*

DEAR SIR: I am directed in the name and in behalf of the Chicago Brass Manufacturers' Association, an organization engaged in the brass business and employing upward of 6,000 men, to enter an emphatic protest against the enactment of the eight-hour bill bearing your name.

Very respectfully,

WM. M. WEBSTER, *Commissioner*.

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[Cement Manufacturing Company.]

NORTHAMPTON, MASS., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman, Washington, D. C.*

DEAR SIR: The passage of an eight-hour bill, H. R. 15651, would only add another burden to the already burdened manufacturer of staple goods and already we find it hard to meet the prices of cutlery manufacturers who send their goods from Germany to this market.

Yours, truly,

W. W. LEE, *Secretary*.

[The Crawford, McGregor & Canby Co.—Dayton Last Works.]

DATTON, OHIO, *March 17, 1908.*

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor, Washington, D. C.*

HONORABLE SIR: We wish to protest against the passage of the eight-hour bill. We beg to say in connection with this bill that from our point of view it is entirely unnecessary and uncalled for. Ten hours a day is not oppressive to any person able to work.

The plea as set forth by some of our friends, the labor-union people, that a man can do as much work in eight hours as he can in ten is known by all employers to be entirely false. It seems to us it is also known to be false by those who assert it, and the reason is very apparent.

We have been handling men for a good many years and our experience has shown us conclusively that only four-fifths as much work or thereabouts can be done in eight hours as in ten. It seems to us that every man who labors with his hands understands this thoroughly. The motive for a bill of this kind, it seems to us, is to make the employers of the country pay more for less work.

It is well known by both employers and employees that the principle of the labor unions is not to work harder that they may produce ten hours' output in eight hours, but, on the contrary, to limit the output per hour even in the short day, thus making the employers not only lose two hours' labor per day, but also do less work each hour during the eight hours.

In doing this they claim the noble principle of charity, claiming that it will give many idle men work—but please note the nobleness and generosity, the employer foots the bill; the employees lose nothing themselves. This is truly noble and unselfish.

The facts in the case are, there are not many lines of business which pay more than 20 per cent profits; the majority of them less. If, then, 20 per cent is to be added to the cost of the output, where are the profits to come from and what will be the inevitable result if there are no profits, or less than no profits, as is the case with restricted output.

On the other hand, suppose the manufacturer adds 25 per cent on account of the reduction in hours and output, where is the laboring man to gain, and especially that vast army which is outside of the labor unions?

In our opinion the whole thing is an unblushing fraud and calculated to work disaster and destruction to both capital and labor. It is dangerous in the extreme, and it is greatly to be desired by all, both small and large, that this uncalled for and vicious measure be defeated.

The adoption of an eight-hour bill would cause inextricable confusion to thousands of manufacturers immediately and to thousands later.

We therefore beg of you to do whatever you can to prevent any favorable report from the House committee at this session of Congress.

Very truly, yours,

THE CRAWFORD, MCGREGOR & CANBY CO.,  
W. J. BLAKENEY, *Secretary-Treasurer.*

[Central Supply Association.]

CHICAGO, *February 20, 1908.*

To the LABOR COMMITTEE, HOUSE OF REPRESENTATIVES,  
*Washington, D. C.*

GENTLEMEN: I am instructed by a unanimous vote of the Central Supply Association to file with your committee the following earnest protest against the Gardner eight-hour bill, the same being H. R. No. 15651.

The following reasons are assigned for our unqualified opposition to this measure:

The undersigned, manufacturers and wholesalers of construction materials, have studied with care the Gardner eight-hour bill, and considered its effect upon the cost of production and the cost of public work. Many of us favor a shorter working day, but to be equitable it must be general. It can not be attained by legislation in behalf of a small special class. To the extent that a portion of the labor of the country decreases its production without a corresponding reduction in pay, they increase the cost of living to all, the weight of the burden falling upon the mass of wage-earners and farmers outside of the privileged class. There is already a wide discrepancy between the eight-hour building trades, whose wages average two or three times as much as the factory and farm laborer working ten hours. A large majority of manufacturers, under the new rule, would not change their factory hours for the sake of a small and indefinite

fraction of material entering into Government work. The price for such material would unavoidably be raised; first, by the increase of 25 per cent in the labor cost; second, the increased proportion of fixed charges and expenses, which are the same on eight as on nine or ten hours; third, the loss on the majority of the output, which must be borne by the Government portion; fourth, by the exclusion of the majority of manufacturers, and the combination of the few qualifying manufacturers to create excessive prices and profits.

Were the Gardner bill to become effective and applied to all manufacturers entering into Government work from the ground up, we are of the opinion that the prices of all goods produced by such manufacturers—indeed, we might say, all manufactured goods—would be increased not less than 40 per cent without compensating income to the common labor in the city and country.

I remain, respectfully, yours,

PAUL BLATCHFORD,  
*Secretary.*

The following members desired their names attached to the above protest:

Plumbers Woodwork Co., Algoma, Wis.; Bowman Supply and Mfg. Co., Allegheny, Pa.; May Supply Co., 1009 Main street, Anderson, Ind.; General Supply Co., 51 East Alabama street, Atlanta, Ga.; Colvin Mfg. Co., Birmingham, Ala.; L. B. Hartung Co., Canton, Ohio; J. H. McLain Co., Canton, Ohio; Cedar Rapids Pump Co., Cedar Rapids, Iowa; Chandler Pump Co., Cedar Rapids, Iowa; The Cahill Iron Works, Chattanooga, Tenn.; Tom Fritts Hardware Co., 715 Market street, Chattanooga, Tenn.; James Supply Co., Chattanooga, Tenn.; W. D. Allen Mfg. Co., 151 Lake street, Chicago, Ill.; Weir & Craig Mfg. Co., 2425 Wallace street, Chicago, Ill.; American Radiator Co., 284 Michigan avenue, Chicago, Ill.; Chicago Slate & M. Co., 232 South Clinton street, Chicago, Ill.; Crane Company, 519 South Canal street, Chicago, Ill.; The Davies Supply Co., 20 North Clark street, Chicago, Ill.; John Davis Co., Twenty-second and Halstead streets, Chicago, Ill.; Mark Mfg. Co., First National Bank Building, Chicago, Ill.; Stephen Deschauer, 334 Blue Island avenue, Chicago, Ill.; Federal Co., Halsted and Fulton streets, Chicago, Ill.; Findeisen & Kropf Mfg. Co., Twenty-first and Rockwell streets, Chicago, Ill.; Mr. William T. Geary, 9279 South Chicago avenue, Chicago, Ill.; The Gould Co., corner Ohio and Franklin streets, Chicago, Ill.; Henion & Hubbell, 61 North Jefferson street, Chicago, Ill.; Holland Radiator Co., 38 Dearborn street, Chicago, Ill.; Ill. Malleable Iron Co., 30 West Monroe street, Chicago, Ill.; The Mechanical Rubber Co., 230 Randolph street, Chicago, Ill.; Kellogg-Mackay-C. Co., Michigan avenue and Twelfth street, Chicago, Ill.; Monash-Younger Co., 201 South Canal street, Chicago, Ill.; The J. L. Mott Iron Works, 135 Adams street, Chicago, Ill.; H. S. Raymond, 115 Adams street, Chicago, Ill.; Republic Mfg. Co., 125 West Washington street, Chicago, Ill.; J. J. Ryan & Co., 68 West Monroe street, Chicago, Ill.; Street & Kent Mfg. Co., 43 Fulton street, Chicago, Ill.; Weil Bros., 129-133 West Lake street, Chicago, Ill.; Western Plbg. Supply Co., 20 and 22 South Desplaines street, Chicago, Ill.; Whitney & Ford, 4315 Cottage Grove avenue, Chicago, Ill.; L. Wolff Mfg. Co., 93 West Lake street, Chicago, Ill.; Crane-Hawley Co., Sycamore and Court streets, Cincinnati, Ohio; John Douglas Co., 900 Poplar street, Cincinnati, Ohio; Lunkenheimer Co., Cincinnati, Ohio; Merkel Bros., 318 West Third street, Cincinnati, Ohio; Murdock Mfg. & Supply Co., Cincinnati, Ohio; Wm. Powell Co., Cincinnati, Ohio; D. T. Williams Valve Co., Cincinnati, Ohio; The Bishop & Babcock Co., Kirtland and Hamilton streets, Cleveland, Ohio; Cleveland Plbg. Supply Co., 811 Vincent avenue NE., Cleveland, Ohio; E. W. Fisher Co., Cleveland, Ohio; Kennedy Co., Cleveland, Ohio; Mr. Chas. J. Lillienthal, Garfield Bldg., Cleveland, Ohio; Ohio Brass & Iron Mfg. Co., 1199 Franklin avenue, Cleveland, Ohio; Sanitary Co., Cleveland, Ohio; The Ascher Supply Co., Columbus, Ohio; Mr. Ben D. Potts, Columbus, Ohio; Columbus Brass Co., 94 North Sixth street, Columbus, Ohio; Columbus Supply Co., High street, Columbus, Ohio; Engineers & Plumbers Supply Co., 150 North Third, Columbus, Ohio; Midland Supply Co., Davenport, Iowa; Scioto Valley Supply Co., Columbus, Ohio; Dayton Supply Co., 439 East First street, Dayton, Ohio; The Atkins-McGee Supply Co., Denver, Colo.; M. J. O'Fallon Supply Co., 1518

Wynkoop street, Denver, Colo.; The Atkins-McGee Supply Co., Denver, Colo.; L. H. Kurtz Co., Des Moines, Iowa; Detroit Lead P. & S. L. Wks., 180 West Larned street, Detroit, Mich.; Detroit Lubricator Co., Detroit, Mich.; Detroit Range Boiler Co., 607 Twenty-fourth street, Detroit, Mich.; Detroit Sanitary Sup. Co., 27 Jefferson avenue, Detroit, Mich.; Diamond Mfg. Co., Detroit, Mich.; A. Harvey's Sons Mfg. Co., First and Woodbridge streets, Detroit, Mich.; Ideal Manufacturing Co., Detroit, Mich.; Sales & Broad Co., Detroit, Mich.; A. D. Mfg. Co., Detroit, Mich.; United States Heater Co., Detroit, Mich.; Penberthy Injector Co., Detroit, Mich.; Seamless Steel Bathtub Co., Detroit, Mich.; A. Y. McDonald & M. Mfg. Co., 500 Iowa street, Dubuque, Iowa; P. Healey, Evansville, Ind.; Never-Split Seat Co., Evansville, Ind.; The P. & H. Supply Co., Fort Wayne, Ind.; Knott-Van Arnam Mfg. Co., Fort Wayne, Ind.; The Gamer Co., Fort Worth, Tex.; Ferguson Supply Co. (Limited), 19-21 South Ottawa street, Grand Rapids, Mich.; Wolverine Brass Works, Grand Rapids, Mich.; Murphy Supply Co., Green Bay, Wis.; Central Supply Co., 209 West Washington street, Indianapolis, Ind.; Indiana Supply Co., Indianapolis, Ind.; Knight & Jilson Co., Indianapolis, Ind.; Shirley Radiator, and Fdy. Co., Indianapolis, Ind.; Quinn Supply Co., Kalamazoo, Mich.; Kansas City Pump Co., 1308 West Tenth street, Kansas City, Mo.; Southwest Plbg. Supply Co., 1620 Main street, Kansas City, Mo.; U. S. Water and Steam Sup. Co., 1311 West Twelfth street, Kansas City, Mo.; W. B. Young Supply Co., 212 Delaware street, Kansas City, Mo.; The Frost Mfg. Co., Kenosha, Wis.; Western Tube Co., Kewanee, Ill.; Columbia Pottery and Mfg. Co., Kokomo, Ind.; Great Western Pottery Co., Kokomo, Ind.; La Crosse Plbg. Supply Co., 122 South Front street, La Crosse, Wis.; W. A. Roosevelt Co., 212 Front street, La Crosse, Wis.; Michigan Supply Co., Lansing, Mich.; Cooper & Cole Bros., Lincoln, Nebr.; Ahrens Att. Mfg. Co., 315 West Main street, Louisville, Ky.; Laib Co., 439 West Main street, Louisville, Ky.; The Barnes Mfg. Co., Mansfield, Ohio; Humphreys Mfg. Co., Mansfield, Ohio; Becker Mill Co., Marietta, Ohio; F. R. Dengle Mfg. Co., Milwaukee, Wis.; B. Hoffmann Mfg. Co., 257 Sixth street, Milwaukee, Wis.; Hoffmann & Billings Mfg. Co., 92 Second street, Milwaukee, Wis.; Robert Rom Co., 142 Second street, Milwaukee, Wis.; Rundle-Spence Mfg. Co., 63 Second street, Milwaukee, Wis.; Windsor Mfg. Co., Milwaukee, Wis.; Wisconsin Plbg. Supply Co., Milwaukee, Wis.; Central Supply Co., Minneapolis, Minn.; Nat. Brass and Metal Co., Minneapolis, Minn.; Geo. Keiser & Co., Muncie, Ind.; Nashville Plbrs. and Mill Sup. Co., Nashville, Tenn.; Manion & Co., 622-630 Baronne street, New Orleans, La.; Central Foundry Co., 37 Wall street, New York, N. Y.; John R. Wettstein, United Lead Co., 100 William street, New York, N. Y.; American Sanitary Works, 1107, 320 Broadway, New York, N. Y.; McElwaine-Richards Co., Noblesville, Ind.; Crane Co., Omaha, Nebr.; United States Supply Co., 1110 Harvey street, Omaha, Nebr.; Kinsey & Mahler Co., Peoria, Ill.; Nailon Bros. Co., 310 Liberty street, Peoria, Ill.; Anchor Sanitary Co., 123 Third avenue, Pittsburg, Pa.; Bailey-Farrell Mfg. Co., 619 Smithfield street, Pittsburg, Pa.; Duquesne Sanitary Co., 226 Second avenue, Pittsburg, Pa.; Fort Pitt Supply Co., Pittsburg, Pa.; Iron City Sanitary Mfg. Co., Pittsburg, Pa.; Kelly & Jones Co., 135-137 Water street, Pittsburg, Pa.; Oil Well Supply Co., Pittsburg, Pa.; The Pittsburg Supply Co., 445 Water street, Pittsburg, Pa.; Pittsburg Valve and Fittings Co., 1204 Frick Building, Pittsburg, Pa.; Wm. B. Scaife & Sons, Pittsburg, Pa.; Spang, Chalfant & Co., Pittsburg, Pa.; Standard Mfg. Co., 913 Liberty street, Pittsburg, Pa.; Standard Sanitary Mfg. Co., Bessemer Building, Pittsburg, Pa.; Union Mfg. and Supply Co., 317 Second avenue, Pittsburg, Pa.; U. S. Sanitary Mfg. Co., Arrott Building, Pittsburg, Pa.; Modern Iron Works, Quincy, Ill.; Rockford Brass Works, Rockford, Ill.; Glenn Mfg. Co., St. Charles, Ill.; Horigan Supply Co., St. Joseph, Mo.; American Fdy. and Mfg. Co., St. Louis, Mo.; Cahill, Swift Mfg. Co., 20 South Twelfth street, St. Louis, Mo.; John C. Kupferle, St. Louis, Mo.; Nat'l Plbg. Supply Co., 106 South Twelfth street, St. Louis, Mo.; N. O. Nelson Mfg. Co., Eighth and St. Charles

streets, St. Louis, Mo.; L. M. Rumsey Mfg. Co., 810 North Second street, St. Louis, Mo.; Rumsey & Sikemeier Co., Nineteenth and Pine streets, St. Louis, Mo.; Crane & Ordway Co., 248 East Fourth street, St. Paul, Minn.; Union Brass and Metal Mfg. Co., St. Paul, Minn.; Western Supply Co., 348 Wacanta street, St. Paul, Minn.; J. M. Kohler Sons Co., Sheboygan, Wis.; Jacob J. Volrath Mfg. Co., Sheboygan, Wis.; Miller-Hubbard Mfg. Co., Sturgis, Mich.; Frank Prox Co., Terre Haute, Ind.; American Pump and Sup. Co., Toledo, Ohio; Jos. F. Grosswiller Sup. Co., 813 Jefferson street, Toledo, Ohio; National Supply Co., Toledo, Ohio; Knapp Supply Co., Union City, Ind.; Day-Ward Co., Warren, Ohio; R. O. Rodolf, 123 North Market street, Wichita, Kans.; Youngstown Sheet and Tube Co., Youngstown, Ohio; Crane Co., Birmingham, Ala.; American Radiator Co., 206 Mutual Life Building, Buffalo, N. Y.; Oil Well Supply Co., Bradford, Pa.; Crane Co., Chanute, Kans.; D. E. Kennedy, Manager, Chicago Branch, American Radiator Company, City; The Bishop & Babcock Co., 180 East Washington street, Chicago, Ill.; E. W. Blatchford & Co., 70 North Clinton street, Chicago, Ill.; Central Foundry Co., 87 North May street, Chicago, Ill.; The Cleveland Faucet Co., 200 Washington street, Chicago, Ill.; Kelly & Jones Co., 416 Ashland Block, Chicago, Ill.; Lausten Lead Works, 78 Pratt street, Chicago, Ill.; Raymond Lead Co., 59 West Lake street, Chicago, Ill.; Spang, Chalfant & Co., 1129 First National Bank Building, Chicago, Ill.; Standard Sanitary Mfg. Co., 415 Ashland Block, Chicago, Ill.; United States Heater Co., 42 Dearborn street, Chicago, Ill.; Jacob J. Vollrath Mfg. Co., 175 Lake street, Chicago, Ill.; American Radiator Co., 336 West Fourth street, Cincinnati, Ohio; Sportsman's Shot Works, Cincinnati, Ohio; The Cleveland Faucet Co., Cleveland, Ohio; Gibson & Price Co., Cleveland, Ohio; Standard Mfg. Co., Cleveland, Ohio; Crane Co., Dallas, Tex.; American Radiator Co., 831 Fifteenth street, Denver, Colo.; L. Wolff Mfg. Co., Denver, Colo.; Standard Sanitary Mfg. Co., Detroit, Mich.; American Radiator Co., 225 Jefferson avenue, Detroit, Mich.; Crane & Ordway Co., Duluth, Minn.; Crane & Ordway Co., Fargo, N. Dak.; Crane Co., Kansas City, Mo.; Crane Co., Los Angeles, Cal.; Crane Co., Memphis, Tenn.; American Radiator Co., Minneapolis, Minn.; Kellogg-Mackay Cameron Co., Minneapolis, Minn.; Plbg. and Stmftg. Sup. Co., 212 First street north, Minneapolis, Minn.; Knight & Jillson Co., Muncie, Ind.; Ahrens & Ott Mfg. Co., New Orleans, La.; Crane Co., Oakland, Cal.; Crane Co., Oklahoma City, Okla.; Oil Well Supply Co., Oil City, Pa.; Omaha Shot and Lead Works, Omaha, Nebr.; American Radiator Co., 602 Hartje Building, Pittsburg, Pa.; National Tube Works, Frick Building, Pittsburg, Pa.; Crane Co., Portland, Oreg.; Crane Co., Salt Lake City, Utah; The Cleveland Faucet Co., San Francisco, Cal.; Crane Co., San Francisco, Cal.; Crane Co., Seattle, Wash.; Crane Co., Sioux City, Iowa; Crane Co., Spokane, Wash.; American Radiator Co., St. Louis, Mo.; The Cleveland Faucet Co., 115 Broadway, St. Louis, Mo.; Crane Co., St. Louis, Mo.; Mr. C. W. Hughes, Treas., Hoyt Metal Co., St. Louis, Mo.; Bishop & Babcock Co., 106 East Fifth street, St. Paul, Minn.; N. W. Shot and Lead Works, St. Paul, Minn.; Great Western Pottery Co., Tiffin, Ohio; Crane & Ordway Co., Watertown, S. Dak.; Youngstown Sheet and Tube Co., Marquette Building, Chicago, Ill.; Crane Co., 624 West Pratt street, Baltimore, Md.; American Radiator Co., Boston, Mass.; Crane Co., 490 Cherry street, New York, N. Y.; E. E. Jackson, jr., secretary, 52 and 54 Williams street, New York, N. Y.; Lunkenheimer Co., 66 Fulton street, New York, N. Y.; American Radiator Co., New York, N. Y.; Monash-Yonker Co., 96 Center street, New York, N. Y.; Eugene Goodwin, secretary, Monadnock Building, San Francisco, Cal.; Frank S. Hanley, secretary, 258 Broadway, New York, N. Y.; A. H. Broderick, manager, Chadwick Boston Lead Co., Boston, Mass.; John McPhail, manager, Jas. Robertson Lead Co., Baltimore, Md.; B. F. Hadduck, manager, Tatham & Bros., Philadelphia, Pa.; American Radiator Co., Philadelphia, Pa.; Crane Co., Philadelphia, Pa.; C. W. Woodward, New Baltimore Station, N. Y.; Mr. S. H. Moon, president, care of Ahrens & Ott Mfg. Co., Louisville, Ky.; Mr. Henry Aird, care of Aird-Don Co., Troy, N. Y.; Mr. J. J. Ryan, 107 South Jefferson street, Chicago, Ill.

[Curtis Brothers & Co., sash, doors, blinds, mouldings, etc.]

CLINTON, IOWA, *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We desire to register with your committee our protest against H. R. 15651. We believe that legislation of this character will not result in good to either employer or employee, and for this reason protest against enactment into law.

Yours, very truly,

CURTIS BROTHERS & CO.

[Central Boiler Works.]

DETROIT, MICH., *March 5, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: Our attention has been called to proposed legislation known as H. R. 15651. We have carefully considered said bill and do most earnestly protest against its passage as we believe it will do untold injury to the manufacturing interests of the country, which are bad enough now, and we believe will be infinitely worse if this proposed measure becomes law.

Yours, very truly,

CENTRAL BOILER WORKS.

[Curtice Brothers Co., preservers.]

ROCHESTER, N. Y., *March 14, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Our attention has been called to the Gardner eight-hour bill (H. R. 15651) now before your honorable committee, and we wish to add our protest to the ones you are now receiving with reference to this measure.

From a careful review of the digest of this bill, it appears to us that it is an encroachment upon private enterprise, and that the object in securing its passage is to allow the Federation of Labor to compel the eight-hour day through the instrumentality of Government contract, and so secure a footing for a further law that will apply to all manufacturing interests.

We believe you will agree that this is an injustice to the manufacturer, not only in placing a handicap upon him when it is essential that orders should be filled within a given time, there being no provision of any kind for extra hours, but also restricting his output, and trust you will give our protest due consideration.

Yours, truly,

CURTICE BROTHERS CO.

[J. H. Conrades, Chair and Parlor Furniture Company.]

ST. LOUIS, MO., *February 26, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: Understanding that there is a bill known as the Gardner bill (H. R. 15651) before the House Labor Committee, and feeling that this bill if passed would be a detriment to manufacturers, we will ask, if you can consistently do so, to protest against same.

Appreciating any help you can give in this matter, we remain,

Yours, very truly,

J. H. CONRADES CHAIR AND PARLOR FURNITURE COMPANY,  
J. H. CONRADES, Jr. *Secretary.*

[Curtis & Co., Manufacturing Company, Engineers and Machinists.]

S. LOUIS, *February 26, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We understand that another eight-hour labor bill is coming up during this Congress, under the title of the "Gardner bill" (H. R. 15651).

It is the writer's opinion that a bill of this character would work terrific damage to our manufacturing interests, making it impossible for us to compete for foreign markets, raising the price of machinery and manufactured products for home consumption, and decreasing the production of wealth, but not decreasing the consumption.

In other words, cutting off our source of production by shortening hours to an unnecessary point, and making it impossible to work overtime when necessary.

We very earnestly request your thorough consideration of this bill, and, if possible, your opposition to same.

Yours, very truly,

CURTIS & Co. MFG. Co.,  
GEO. F. STEEDMAN, *President.*

[Chicago Varnish Company.]

CHICAGO, February 27, 1908.

HON. JOHN J. GARDNER,

*Chairman, House of Representatives, Washington, D. C.*

DEAR SIR: On behalf of the stockholders of this company, I beg to offer protest against the passage of the bill recently introduced (H. R. 15651) for eight hours constituting a legal day's labor in certain cases. The passage of such an act would prove a calamity to many manufacturers, and especially at such a time as this.

It would undoubtedly cripple many manufacturers who are now making goods for the foreign market and put some of them entirely out of business. The United States must give up, in a large measure, the effort to sell foreign nations our manufactures if eight hours is to constitute a legal day's work.

The experience of England furnishes a good example of what we may expect in our own country if this matter is pushed to a final conclusion. She is fast losing her position in the manufacturing world as the result of the constant agitation by the labor leaders and the laws which have already been passed limiting the hours of work in many branches of industry.

Yours, very respectfully,

W. S. POTBURN,  
*General Manager.*

[The Colonial Fan and Motor Company.]

WARREN, OHIO, March 6, 1908.

HON. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We have been looking over the provisions of the Gardner bill (H. R. 15651), and can not see any benefit to any portion of the community in its provisions. In fact, there is not the slightest doubt in our minds but it would work as a hardship equally upon the operative as upon the manufacturer. It would undoubtedly result in an increased price to the same upon many commodities that are necessities at a time when the purchasing power of the community has been very greatly reduced.

We trust that it will be your pleasure to vigorously oppose the passage of the bill and that you will use your efforts amongst your colleagues to secure its rejection.

Very truly, yours,

THE COLONIAL FAN AND MOTOR COMPANY.

[The Colonial Electric Company, incandescent lamps.]

WARREN, OHIO, March 5, 1908.

HON. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We have noticed the provisions of the Gardner bill (H. R. 15651), which we believe is now in the hands of the House Labor Committee. Under existing trade conditions the passage of this bill would inevitably result in the loss of whatever progress has been made in the industrial interests since the late financial flurry. The effect would be to arbitrarily increase the cost of production at a time when manufacturers are straining every nerve to keep all, or a portion, of their employees at work. It would practically be the death blow to many interests and could not help but react as a hardship upon those whom it is desired to benefit. Conditions are not such that the manufacturer can afford a higher cost for his production, and the inevitable result



would be a closing down of factories and consequent scarcity of labor for the wage-earning community.

We respectfully ask that you give the matter your earnest consideration and your vote against the passage of the measure.

Very truly, yours,

THE COLONIAL ELECTRIC COMPANY.

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[Camden Pottery Company, Incorporated.]

CAMDEN, N. J., March, 9, 1908.

Hon. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: As president of the Camden Pottery Company and in its interest, I beg to request that you do nothing to further the passing of the eight-hour bill, now in the hands of the subcommittee.

Trusting you will comply with my request, I am, very truly, yours,

MURRELL DOBBINS.

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[Colonial Laundry Company.]

ST. LOUIS, March 2, 1908.

Hon. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that you have presented a bill known as the Gardner bill (H. R. 15651) for an eight-hour day.

We beg to offer our protest against such a bill as applied to our business. The passing of a bill of this kind would not alone work a hardship upon those of us who find ourselves in this class of business, but likewise would create a hardship and an inconvenience upon the general public.

Our business, on account of the necessary collections and deliveries, is of such a nature, and probably so different from most classes of business, that even now it becomes absolutely necessary at times to work longer than we ourselves would wish.

We are compelled on account of these conditions to satisfy our patrons, the public, and we hope that for the interest of all concerned that you will not inflict a hardship upon us all.

We offer this protest in the most kindly spirit of what we believe is right between employer and employee, and with the best interests of all concerned at heart.

Very truly, yours,

COLONIAL LAUNDRY COMPANY,  
E. W. GLAUBER, *President.*

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[Frank B. Cook, telephone accessories.]

CHICAGO, February 20, 1908.

Mr. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: I desire to enter my protest against House bill 15651, the Gardner eight-hour bill, becoming law. Should such a measure be passed it would work a serious hardship, not only upon myself, but upon many others; therefore, as stated before, I earnestly protest against such action.

Yours, very truly,

FRANK B. COOK.

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[The Cleveland Store Fixture Company.]

CLEVELAND, OHIO, February 22, 1908.

Hon. JOHN J. GARDNER,  
*Chairman, House of Representatives, Washington, D. C.*

DEAR SIR: We notice that you have before you for consideration a bill (H. R. 15651) in reference to eight-hour labor ruling. We consider the same very detrimental to all commercial interests and beg of you to vote against the same.

Hoping that the same will not pass, we remain,

Yours, truly,

THE CLEVELAND STORE FIXTURE CO.

[Cooper Underwear Company.]

KENOSHA, WIS., February 21, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We are informed that the bill known as the Gardner bill (H. R. 15651) has been introduced and referred to committee providing for the universal eight-hour day of labor.

While we believe no manufacturer objects to an eight-hour day, providing that all of his competitors work the same number of hours, still we do believe and know that no manufacturer can successfully carry on his business of manufacturing when compelled to confine his work to eight hours in any one day or even forty-eight hours in any one week, there being seasons in every year when a manufacturer is slack and can not run full time except at extra expense to his business. There are also seasons when it is necessary to run extra time, at least in some departments, in order to make profit at all.

It goes without saying that if a manufacturer can not make a profit he will not manufacture. If hampered by any fixed number of hours for labor, either eight or ten or more, he can not do business profitably and must necessarily be compelled, if he manufactures at all, to recoup in one of two ways, either to charge advance prices to consumers or by cutting down the price he pays for his labor. No good manufacturer wishes to cut down the pay of his employees. An advance in price to consumers is simply another way of getting the money from laboring men.

We believe every reasonable mind will appreciate the fact that a manufacturer must necessarily be left the privilege to run overtime at certain seasons of the year as his business demands, and also that no manufacturer will work more hours than is necessitated by the conditions and requirements of his business.

We wish to very emphatically protest against the passage of such an enactment and to ask your cooperation in the most effective way you can to see that manufacturers, who are the chief supporters of the country and of yourselves, be not handicapped in so vital a condition of their business.

We trust to hear from you with your assurance that you can help to defeat so unjust and undesirable a measure.

Thanking you in advance, we remain,  
 Yours, respectfully,

COOPER UNDERWEAR CO.,  
 Per HENRY S. COOPER,  
*President and Treasurer.*

[The Commonwealth Shoe and Leather Company.]

BOSTON, MASS., February 20, 1908.

HON. JOHN J. GARDNER,  
*Chairman Labor Committee, Washington, D. C.*

DEAR SIR: We have seen a copy of House bill 15651 and sincerely hope this will not receive favorable consideration by your committee. It seems to us entirely unreasonable that any further burden should be placed on the manufacturing community with business conditions as they are now, and we trust your committee will recognize the injury this would do to the business interests and see that an adverse report is made.

Truly, yours,

THE COMMONWEALTH SHOE AND LEATHER CO.,  
 CHAS. H. JONES, *President.*

[A. S. Cameron Steam Pump Works.]

NEW YORK CITY, February 21, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, House of Representatives, Washington, D. C.*

DEAR SIR: We might readily assume that at this time you are deluged with letters referring to the eight-hour bill (H. R. 15651), which you have introduced to Congress, and that nothing new can be added to the arguments presented to you; yet we do not suppose the infliction of one more letter will add much to your annoyance, so we therefore take the liberty of writing you.

While we do not question for a moment the purity of your motive and the honesty of your purpose in desiring to ameliorate the condition of labor generally, yet, in our

opinion, the enforced adoption of an eight-hour day in most industries at this time would work to the serious disadvantage and the pecuniary loss of manufacturing interests generally.

We do not believe that at the present high rate of labor manufacturing can be carried on at a profit if any further increase in the rate per hour—which would invariably follow the reduction of the number of hours per day—is inaugurated. We know that in our own industry it would so increase the cost of manufacture as to leave little or no profit for carrying on the business, and it is only a few years since the time was reduced from ten hours to nine hours. While we gave that reduced time without reducing the rate per day—although increasing the rate per hour—without protest and ungrudgingly to our employees, yet we have never been able to recoup the loss, and we can not escape the conviction that if a further reduction in time, with a corresponding further increase in the cost of labor is to be incurred, it will not only very greatly reduce, if not wholly sweep away, what profit there is now, but in the end it will work very great hardship on the employee, in that there will be no employment for him.

Therefore, in our opinion, it would be wiser to defer the introduction of such a radical measure until some later period when it could be considered with less apprehension, and we respectfully offer this as an expression of our views, with the hope that you will excuse our intrusion. In the meantime, we remain,

Very truly, yours,

A. S. CAMERON STEAM PUMP WORKS,  
G. W. FULLER, *Manager*.

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[Commercial Envelope and Box Company.]

BINGHAMTON, N. Y., February 18, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

HONORED SIR: My attention has just been called to a bill recently introduced by you—an eight-hour labor bill (H. R. 15651).

It would seem at the present time that the manufacturers and business interests of this country have had sufficient trouble to get through their financial strain. There is no question but what money has been scared out of its natural position in business. It has not found its way back into mercantile business, although it may have reached the banks. The manufacturers' troubles are yet to come.

To add to the financial trouble of the country to-day is the eight-hour labor law, which would take the earning capacity away from the article as far as the stockholder is concerned, and it would be the worst deathblow that the manufacturer could have struck at him at this critical moment. I wish my protest put in the strongest manner possible against such a measure. It seems to me that it is a very opportune time to do absolutely nothing—we have too much law now, and it would be a splendid time to test what we have.

I hope you will not only see your way clear to put this measure on the table, but under the table, which would be a better place for it in our present business crisis. When you take the earning capacity away from the manufacturer you have taken his heart's blood away, and it is the most fatal blow that could be struck. Certainly the business interests of this nation should be consulted before such a drastic measure is passed.

Awaiting your further pleasure, I am,  
Yours, very truly,

BENJ. B. McFADDEN, *President*.

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[The Calvert Lithographing Company.]

DETROIT, MICH., February 18, 1908.

HON. EDWIN DENBY,

*House of Representatives, Washington, D. C.*

DEAR MR. DENBY: We understand that the Hon. John J. Gardner is attempting to report his eight-hour bill. In the interests alike of employers and employees this bill should be killed and killed effectually.

The manufacturers of the country are making a great effort to revive industry and set their men at work. It is particularly so in the district you represent, and I know it is going on elsewhere, but nothing so tends to discourage them as legislation of this character, backed by a few labor agitators whose living depends on "doing something with Congress."

Last Saturday night the writer had the pleasure of listening to the Hon. Mr. Humphrey in his masterly presentation of his ship-subsidy measure—the most convincing argument it has ever been my good fortune to hear on that important subject.

If the Gardner bill becomes a law, we may say good-bye to the coast shipbuilding industry of the United States, since all those yards do more or less Government work or are affected by those who do it. If Congress wants a return of prosperity it should stop these measures which tend to demoralize manufacturing interests and are simply the entering wedges of socialism.

To show how far-reaching such a measure is, even in Detroit all the lithograph houses do some Government work; as their mechanical departments are run fifty-three hours a week, if the Gardner bill became a law none of them could bid on such contracts. I merely mention this as a sample of how it would affect even the industry in which we are interested, and, as you know, there are hundreds, if not thousands, of plants whose product is wholly or partly for the Government. The Gardner bill would drive most of such concerns out of the field of Government bidding, and to that extent interfere with the legitimate business of the country. It is class legislation pure and simple.

Very truly, yours,

CALVERT LITHOGRAPHING CO.,  
By C. H. CANDLER, *President*.

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[Chicago Gas and Electric Fixture Manufacturing Company.]

CHICAGO, ILL., *February 20, 1908.*

HON. JNO. J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We beg to say, as one of the many manufacturers supplying material for the Government's use, that the passage of House bill No. 15651 would prohibit our bidding on work, causing a hardship not only to us but to our workmen, both union and nonunion, who are satisfied with a nine-hour day and pay.

We pray due consideration of the many interested, and beg to remain,

Very respectfully, yours,

CHICAGO GAS & ELECTRIC FIXTURE MFG. CO.,  
H. G. WILLARD, *President*.

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[The Cumberland Glass Manufacturing Company.]

BRIDGETON, N. J., *February 20, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

MY DEAR MR. GARDNER: It is with great regret that we learn that you have introduced into the House of Representatives bill No. 15651 on the subject of eight-hour labor, which is practically identical with the McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses. We sincerely hope this bill will not pass the House and Senate. It is detrimental to the manufacturing interests of our country, and we do not believe will be of any advantage whatever to the labor men. It will increase our cost without giving adequate compensation; and when it comes to exporting our goods the cost will be so greatly enhanced it will be impossible for us to compete with foreign competition.

Trusting you may give the matter your sincere consideration, we are,

Very truly, yours,

THE CUMBERLAND GLASS MFG. CO.,  
C. W. SHOEMAKER, *Treasurer*.

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[The Chaplin-Fulton Manufacturing Company, Engineers.]

PITTSBURG, PA., *February 19, 1908.*

Chairman JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We earnestly protest against the passage of bill H. R. 15651, now in the hands of House Committee on Labor, and respectfully request your efforts in preventing the same from becoming a law.

Yours, very truly,

THE CHAPLIN-FULTON MFG. CO.,  
LOUIS B. FULTON, *President*.

[Carondelet Foundry Company.]

ST. LOUIS, Mo., February 28, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We desire to express our unqualified opposition to the passage of House bill No. 15651, entitled "A bill limiting the hours of daily service of laborers and mechanics, etc.," and now in the hands of the Labor Committee, for the following reasons, among others which might be stated:

(1) It is obviously an attempt on the part of its promoters to accomplish, by indirect means, a purpose which under the Constitution the Federal Government has no power to effect directly, namely, to regulate the hours of labor in manufacturing establishments throughout the country. For this reason (even if, as is likely, it should later be declared unconstitutional by the Supreme Court of the United States) its passage would be discreditable to the Congress.

(2) In the case of its enactment into law the provisions of this bill would involve much vexatious espionage on the part of the inspectors charged with its enforcement. In undertakings of any considerable magnitude the number of subcontractors is usually large, and an attempt to trace all material used to its ultimate source would open the way to endless discussion and explanation, greatly multiplying the difficulties of carrying out in a satisfactory manner any work undertaken for the Government. The opportunity for and temptation toward corruption in these more remote investigations should not be lost sight of in this connection.

(3) The natural result of the enactment of the proposed law would be to largely increase the cost to the National Government of all work done for it by outside parties. Under existing conditions the restrictions surrounding the purchase of goods by the United States have a distinct tendency to make manufacturers of the best class unwilling to bid for their supply. If a change in their regular hours of labor were involved in the acceptance of such contracts, it is obvious that many concerns would find it still more undesirable to tender for their execution, and this, by narrowing the market, would inevitably largely increase the prices which the Government would be required to pay.

(4) There is an unfair discrimination in the provision that the manufacture of such materials "as may usually be bought in open market" shall be exempt from the operation of this act. Why should the interests of the "laborers or mechanics" making these materials be less tenderly cared for by the General Government than those of the men specified in the first section of this bill? And further, why should the beneficent provisions of this bill be limited to mechanics and laborers? What of the other employees of the contractors and subcontractors affected? Are they not also men (and women sometimes) and brethren?

For these and other reasons which might be alleged, we do respectfully but most earnestly request that your influence and vote be thrown on the side of squelching this most iniquitous and preposterous bill.

Yours, truly,

CARONDELET FOUNDRY COMPANY,  
 By GEO. Q. THORNTON *President*.

[Century Laundry Company.]

ST. LOUIS, Mo., February 28, 1908.

HON. JOHN J. GARDNER,  
*Member of Congress from New Jersey.*

DEAR SIR: As an employer, a voter, and a citizen of the great State of Missouri, I most emphatically protest against your eight-hour bill, H. R. 15651.

When labor unions run this country and dictate to us that no man shall work without a union card, then free America has surrendered to a howling mob of anarchists, Socialists, and ignoramuses.

I fought for the freedom of our country and our flag from 1861 to 1865, and must we now surrender our freedom to this class of men who always want to rule and ruin? I say no, never.

I remain, yours, most respectfully,

J. M. FULKERSON.

[The Carriage and Wagon Manufacturers' Association.]

CHICAGO, ILL., February 21, 1908.

MR. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: In behalf of the members of the Carriage and Wagon Manufacturers' Association, I beg to herewith make protest against the passage of the Gardner eight-hour bill, as it is not adaptable to our line of business.

Another objectionable feature of this bill is that it will minimize our output; it would put capital under control of labor, and in time create anarchism.

Respectfully, yours,

CARRIAGE AND WAGON MANUFACTURERS'  
ASSOCIATION OF CHICAGO,  
Per HERMAN ERBY, *Secretary*.  
C. D. HEELE, *President*.

Approved.

[Collins, Darrah & Co., builders of barges and boats.]

NEBRASKA, FOREST COUNTY, PA., *March 3, 1908.*

HON. JOHN J. GARDNER.

DEAR SIR: We note there is another labor bill before the House committee. Our honest opinion is, let the hours of labor be adjusted by the employer and laborer. We do not need any laws in that line.

Yours, very truly,

COLLINS, DARRAH & CO.

[The Crossley Manufacturing Company (Incorporated).]

TRENTON, N. J., *March 9, 1908.*

HON. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: We note that you are chairman of both the sub and full committee in whose hands is the eight-hour bill now about to be reported by your body.

We being manufacturers of machinery for pottery and clay refining exclusively, we are subjects of the keenest competition from nearly every foreign country. We employ the best skilled mechanics; in consequence, we are obliged to pay the very highest wages. Should the eight-hour bill become a law, especially at this time, it will in our minds work disastrously to our business, and we earnestly hope that you will not make our burden any heavier, which you will by favorably reporting this bill.

Very truly,

THE CROSSLEY MANUFACTURING COMPANY,  
JOS CROSSLEY, *Treasurer*.

[The Conner Millwork Company (Incorporated).]

TRENTON, N. J., *March 9, 1908.*

HON. JOHN J. GARDNER,

*Washington, D. C.*

DEAR SIR: We respectfully request that the eight-hour bill be reported unfavorably, as we regard it as subversive to the interests of both capital and labor and therefore against the best interests of the whole country.

Yours, very truly,

THE CONNER MILLWORK CO.,  
JOHN G. CONNER, *President*.

[Cole Manufacturing Company (Incorporated).]

CHICAGO, ILL., *March 14, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We want to protest against your H. R. No. 15651, known as the eight-hour bill. A standard of eight hours would so seriously limit the production in the manufacturing world that it would entirely bar manufacturing interests from foreign fields. The only foreign territory where we sell any large number of our goods is Canada.

If we had this extra 20 per cent in labor cost to add to our goods, it would put us out of business as far as this important field is concerned. As to our United States trade, this action applying to public work practically means the stand to which the labor unions of the country will strive to force the manufacturers. It will mean endless struggle and a most serious handicapping of the producing interests of the country.

Speaking for ourselves, our line can not stand extra labor cost, and we believe the ultimate effect of this bill would be to put many manufacturers of stoves out of business as employers.

Yours, very truly,

COLE MANUFACTURING Co.,  
H. A. COLE, *Treasurer*.

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[The Continental Furniture Company.]

HIGH POINT, N. C., *February 19, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We respectfully call your attention to the eight-hour labor bill recently introduced, H. R. 15651, which in our opinion will be most harmful to the manufacturers of North Carolina, as well as the country generally.

We sincerely trust you will make a personal examination of this bill, and if in your opinion you find the same to be harmful to the manufacturing interests of our State that you will do everything in your power to defeat the measure.

Yours, truly,

THE CONTINENTAL FURNITURE COMPANY.

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[C. H. Cowdrey Machine Works.]

FITCHBURG, MASS., *March 19, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We beg to call your attention to the proposed eight-hour bill, House bill 15651, now being discussed.

Now, if this bill should pass, it would take away from Fitchburg all the Government work that has heretofore come here and would be a great injury to Fitchburg.

You are readily aware of the condition of business now, and we feel you would do all in your power to prevent a bill passing that would bring greater injury to business.

Remember the workingman suffers if this bill should pass as well as the manufacturer, for if the manufacturer did not have the work then the men who work would be out of employment.

Trusting you will do all in your power to defeat this bill, we await your reply.

Yours, respectfully,

C. H. COWDREY MACHINE WORKS.

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[Cummings Machine Works.]

BOSTON, MASS., *March 21, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

CUMMINGS MACHINE WORKS,  
IRVING C. DECATUR, *Secretary*.

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[Campbell Iron Works.]

EAST CAMBRIDGE, MASS., *March 23, 1908.*

HON. J. J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it. We wish to enter our personal protest against it.

Yours, respectfully,

CAMPBELL IRON WORKS,  
W. K. CAMPBELL, *Treasurer*.  
ANDREW CAMPBELL, *Manager*.

[Cape Ann Anchor Works.]

GLOUCESTER, MASS., March 23, 1908.

HON. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, respectfully,

CAPE ANN ANCHOR WORKS,  
F. A. FISHER, President.

[The William Cramp &amp; Sons Ship and Engine Building Company.]

PHILADELPHIA, February 20, 1908.

THE HON. JOHN J. GARDNER,  
Chairman Committee on Labor,  
House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been called to House resolution No. 15651, which has been referred to your committee. This bill, which limits the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, or for other purposes, is similar to others that have been before the Congress on various previous occasions.

This company has presented its reasons for opposing the passage of bills of this character in the past, and is desirous of again submitting the same in some detail before your committee. While many most acceptable reasons can be urged against the enactment of this resolution, these seem to fall primarily under four headings:

1. The large increase in cost to the Government for all work done under the provisions of this act.
2. The practical impossibility of carrying on work for the Government in a commercial establishment under this law, and at the same time doing commercial work on a basis to permit competition with other firms not employed on Government work, rendering it necessary for a firm to refuse to accept Government business or to confine itself to it only.
3. Its effect in increasing the cost of output and the decrease in promptness and efficiency of production, particularly in connection with competition with foreign manufacturers for foreign trade.
4. The definite limit placed upon the earning ability of the workman and the abridgment of his rights in this direction.

We therefore now wish to renew our objections in the most formal manner to the passage of this bill, and sincerely trust that it will not be favorably reported to the House.

Yours, very truly,

THE WILLIAM CRAMP & SONS  
SHIP AND ENGINE BUILDING COMPANY,  
H. W. HAND, Vice-President and General Manager.

[Continental Rubber Works.]

ERIE, PA., February 19, 1908.

HON. ARTHUR L. BATES,  
House of Representatives, Washington, D. C.

DEAR SIR: We beg to confirm telegram sent you to-day, as follows:

We ask you to use your influence to defeat Gardner eight-hour bill. We are very much opposed to same and are satisfied will work to the injury of all manufacturers handling Government work.

1 We hope that you will use your influence and make every effort to defeat this bill. Many lines of manufacture can not be profitably handled on an eight-hour basis, our business being one of them. This would mean Government work would have to be run separately and distinct from the general business, which would be impracticable.

If the bill is passed, this will surely mean that many manufacturers can not and will not figure on Government work, which will mean loss of business to the manufacturer and less competition, and therefore increased cost to the Government.

Very truly, yours,

CONTINENTAL RUBBER WORKS,  
T. R. PALMER, President.



[J. B. Campbell Brass Works.]

ERIE, PA., *February 19, 1908.*

HON. ARTHUR L. BATES,  
*House of Representatives, Washington, D. C.*

DEAR SIR: As a member of the Manufacturers' Association of Erie, we wish to protest against the passage of the Gardner eight-hour bill, which we are informed may come up at any time now. We trust you will use your influence to prevent the passage of this bill.

Thanking you in advance for your courtesy in this matter, we are,

Yours, truly,

J. B. CAMPBELL BRASS WORKS.  
 JOS. B. CAMPBELL.

[The Citizen's Alliance.]

PEORIA, ILL., *March 5, 1908.*

HON. JOHN J. GARDNER,  
*Representative in Congress, Washington, D. C.*

DEAR SIR: Referring to House bill No. 7564, limiting the hours of labor on Government work and providing for legal recoveries for overtime, will say this organization is opposed to such a bill being passed for many reasons. The law should not destroy the right of a laborer to contract his labor for as many hours as he pleases; it should not destroy the right of a Government contractor to contract with laborers for more than eight hours' work per day if both parties agree. This is only an entering wedge of the labor unions for a uniform eight-hour labor law in all lines of business. Many industries can not exist if there is such a law. There are many, very many, other reasons why we are opposed to this legislation, but let it suffice for us to say that this representative organization of employers of labor in this city of Peoria, Ill., most earnestly request you to make an unfavorable report on this bill.

Yours, very truly,

CITIZEN'S ALLIANCE OF PEORIA,  
 By GERALD B. FRANKS, *President.*  
 L. C. HINCKLE, *Secretary.*

[National Metal Trades and Founders' Joint Committee.]

DETROIT, *March 5, 1908.*

HON. EDWIN DENBY,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We thank you very much for yours of the 29th, advising us to wire Mr. Gardner asking to be heard on the eight-hour bill. We have accordingly sent Mr. Gardner the following telegram to-day.

"When will it be convenient for your committee to hear representatives of this association on the eight-hour bill?"

Very truly, yours,

F. W. HUTCHINGS,  
*Secretary to the Committee.*

[The Typothetae of Detroit.]

DETROIT, MICH., *February 28, 1908.*

HON. EDWIN DENBY, *Detroit, Mich.*

DEAR SIR: As secretary of the Typothetae of Detroit, I am writing you this letter asking you to use your influence against the passage of the Gardner eight-hour bill. The Typothetae of Detroit is a branch of a national organization composed of master printers. Our local association has 21 of the largest printing establishments in Detroit.

The Typothetae feels that the passage of this Gardner eight-hour bill would materially embarrass their business, as well as thousands of other manufacturing plants throughout the country. While the Gardner bill seeks to control the hours of laborers and mechanics employed upon Government work, it certainly would not end there; it would simply be an entering wedge for further labor legislation.

I trust that you will use your influence in defeating this bill.

Yours, truly,

A. A. MANN, *Secretary.*

[Detroit Sanitary Supply Company.]

DETROIT, MICH., *February 21, 1908.*

HON. JOHN J. GARDNER,  
*Chairman Labor Committee, Washington, D. C.*

DEAR SIR: We herein enter our protest against the eight-hour bill, as we understand it is about to be reported by the Labor Committee of the House. Evidently this bill has been seriously considered when there were not enough men for the jobs, and to urge it now when business men want freedom from agitation of every kind would seem to be a veritable crime. This bill if enacted would involve revolution and destruction to American manufacturers. It would be applied socialism by force. It would wreck whole industries and would irretrievably embarrass industrially and financially hundreds, if not thousands, of plants whose product is intended wholly or partly for the Government. Again, it would be the irresistible entering wedge of new labor legislation, for the labor lobby would not stop there. It is a proposition by indirection and in time to legislate the hours of labor into the private enterprises (factories, mills, and workshops) of the whole country by act of Congress. We therefore deem the bill pernicious and bad legislation, if it becomes a law.

Submitting the above for your careful consideration, we remain,  
 Sincerely, yours,

A. C. COGSWELL, *Vice-President.*

[Drake Marble and Tile Company.]

ST. PAUL, MINN., *April 11, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We desire through you to protest against the passage of House bill 15651, by which the hours of labor upon Government work of any kind are limited to eight. We are contractors for and furnish a large portion of the interior marble used in the Government buildings in this and adjoining States, but this is only a part of the output of our mill. As is the custom with all mills of our kind, we run on the basis of a nine-hour day. Should this bill be passed we will doubtless have to decline to bid upon Government work, as it is not practicable for us to run our mill on some kinds of work on the basis of nine hours and on Government work eight hours only.

The passing of this bill would materially enhance the cost of Government work and we feel would ultimately lead to the establishment of Government factories. Furthermore, in our section of the country the building season is a short one and it is necessary that we work as many hours as possible, a fact recognized by our men, who belong to unions and have made no serious objections to the nine-hour factory day.

We ask that our protest be made a part of the printed record of the hearings on this bill.

Respectfully submitted.

DRAKE MARBLE AND TILE CO.,  
 H. C. DRAKE, *President.*

[Dean Brothers Steam Pump Works.]

INDIANAPOLIS, IND., *February 20, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to protest against the passage of the Gardner eight-hour bill. While this bill would not affect general labor, it is the beginning of an attempt to establish New Zealand labor laws in the United States. The effect of such legislation would be to reduce production. National restriction of production would limit national increment of wealth. The effect of the law would be to lower the earning capacity of those whom the bill seeks to benefit. It would be necessary to supplement it by an act establishing a minimum wage rate for those affected by the law, as has been done in New Zealand.

Such legislation tends to produce social decay.

Yours, very truly,

DEAN BROS. STEAM PUMP WORKS,  
 Per JOHN C. DEAN.

[Detroit Copper and Brass Rolling Mills.]

DETROIT, MICH., *March 3, 1908.*

HON. EDWIN DENBY, Esq.,  
*Congressman, Washington, D. C.*

MY DEAR DENBY: I inclose herewith a communication received this morning from the Employers' Association of Detroit, with inclosure, and desire to request your cooperation with those opposed to the passage of the obnoxious bills in question.

While I have not gone into these bills very carefully, I am sufficiently familiar with this so-called eight-hour bill to be able to state to you that its passage would result to the serious inconvenience of the Government, to say nothing of the inconvenience and loss in the passage of such a bill to the manufacturers in my line of business. Speaking for my company, I can state to you that we do not happen to be up against any of the unions and we run our works ten hours per day. It would be impossible, therefore, to so separate our general work from that we might be doing for the Government and comply with the conditions of the bill, the result being that we would have to throw out Government work entirely.

I therefore consider that the same is iniquitous and vicious both for the Government and for the manufacturers and should be defeated, and I hope you will use your influence in that direction.

Thanking you in advance, I remain,  
 Yours, truly,

L. H. JONES, *President.*

[The Dayton Manufacturing Company.]

DAYTON, OHIO, *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
 House of Representatives, Washington, D. C.*

DEAR SIR: Respectfully though most urgently do we desire to enter an emphatic protest against the enactment into law of House bill 15651, which provides for a compulsory eight-hour workday on all Government work performed by persons in the employ of contractors and subcontractors having contracts with the Government.

We consider such legislation as socialistic in character; as restricting the individual in his right of contract; as interference with the rights of the individual under the Bill of Rights; as a step backward in our nation's progress, and as unnecessary and unjust, advocated in the interest of a class who is making a strenuous effort to force upon the country a general eight-hour workday, which such a law as the bill in question proposes would go far toward establishing, in that to work men eight hours a day on work for the Government and a longer number of hours on other work in the same establishment would be impracticable and have a tendency to force the eight-hour day upon such establishments, at least during the production of Government work.

Moreover, to impose a penalty upon a man for employing his time in industrial pursuits more than a given number of hours or minutes in a day would be un-American, wrong, conducive to retrogression of ambition, and a barrier to ambition.

We sincerely hope that you will not suffer such a law to blacken the pages of the statute books of this free Republic.

Very respectfully, yours,

J. KIRBY, Jr., *General Manager.*

[Diamond Iron Works, founders and machinists.]

MINNEAPOLIS, MINN., *February 27, 1908.*

HON. JOHN J. GARDNER,  
*Chairman of House Committee on Labor, Washington, D. C.*

DEAR SIR: The bill proposed by you that "All Government contracts contain a provision that labor employed both by contractors and subcontractors should only work eight hours per calendar day" will mean that every manufacturer not working under the eight-hour custom can not bid on Government contracts. As it will be impossible to work eight hours on one class of work and not on the other, and under the eight-hour day we will be unable to compete with our competitors working nine or ten hours a day. Besides the investment of the manufacture is large, therefore must keep the plant in operation a reasonable number of hours during the day, for whatever working time is cut off means a decreased production and increases the fixed charges that can not be reduced proportionately.

We sincerely trust this bill will not be allowed to pass.

Yours, very respectfully,

DIAMOND IRON WORKS,  
 Per G. A. BINGENHEIMER, *Vice-President.*

[Diamond Chain and Manufacturing Company.]

INDIANAPOLIS, IND., February 26, 1908.

HON. JOHN J. GARDNER,

*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: We most earnestly appeal to you to help defeat the passage of H. R. bill 15651 limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or Territories.

The enactment of same would entail on us a loss and make the cost to the Government excessively high on all special contract work done outside of the Government plants.

Yours, very truly,

DIAMOND CHAIN & MFG. CO.,  
By L. M. WAINWRIGHT, *President.*

[The John Davis Company.]

CHICAGO, ILL., February 27, 1908.

HON. JOHN J. GARDNER,

*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: Referring to House bill No. 15651, we desire to respectfully protest against the passage of this bill, as we believe that if made effective, an injustice and hardship would be worked upon many diversified interests. You have before you, without doubt, the various arguments used against its favorable consideration, but the one particularly affecting most manufacturing concerns, we believe, is that under present conditions it is not possible in most manufacturing competitive lines to pay fixed charges, if spread over an operating period of eight hours a day; this applying to shops and factories where the investment in machinery, tools, and property is very great. If the provisions of the bill are literally carried out, many concerns would either be prohibited from figuring on Government work or would be obliged to run an eight-hour plant, thus being under unfair conditions as regards the greater part of their tonnage, or put to the expense of running an eight-hour plant as well as one in which longer hours would prevail. In some classes of work eight hours is a reasonable and fair day's work. In many other operations nine hours is not unreasonable, unfair, contrary to public policy or any considerations of health. To pass, therefore, such sweeping legislation would not be reasonable or just. We believe the bill to be improper, unfair, and pernicious in its results.

Yours, respectfully,

THE JOHN DAVIS COMPANY,  
JNO. D. HIBBARD, *President.*

[Detroit Forging Company, drop forgings.]

DETROIT, MICH., March 6, 1908.

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor,  
Washington, D. C.*

DEAR SIR: Our attention has just been called to your bill H. R. No. 15651 in regard to the eight-hour law on all Government work.

We beg to advise that we as manufacturers do not approve of this bill in any respect, as it is going to work serious hardship and even ruin to many manufacturers throughout the United States and would place us in a position where we could not figure on or accept Government work should this bill become a law. Therefore we enter our protest against this bill.

Yours, very truly,

DETROIT FORGING CO.

[The Detrick &amp; Harvey Machine Company, special machinery.]

BALTIMORE, MD., February 28, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We respectfully and earnestly protest against the passage of the Gardner eight-hour bill (H. R. 15651), for the following reasons:

1. In our judgment, this is class legislation and at variance with the Constitution of the United States, which gives to the individual the privilege and right of selling his labor as he chooses

2. The passage of this bill will mean the exclusion of many manufacturers from participating in Government contracts, by reason of the fact that they can not work eight hours a day on Government work and at the same time compete for domestic or foreign business on a nine or ten hour basis. Competition for Government work of all kinds will disappear, causing the Government to pay in the end a very much higher price for supplies, etc., to the few concerns who might attempt to manufacture exclusively for the Government trade.

Requesting you to oppose the passage of this bill, we are

Very respectfully,

THE DETRICK & HARVEY MACHINE CO.  
ALEX. HARVEY, *Treasurer*.

[Dilts Machine Works, pulp and paper machinery.]

FULTON, N. Y., *March 2, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We wish to place ourselves on record as opposed to the bill (H. R. 15651) limiting the hours of laborers and mechanics employed upon work done for the United States, etc., as we believe the present eight-hour bill to be preferable.

Yours, respectfully,

DILTS MACHINE WORKS,  
F. B. DILTS.

[De Loach Mill Manufacturing Company, mill machinery.]

BRIDGEPORT, ALA., *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Member of Congress, Washington, D. C.*

DEAR SIR: You will pardon us for writing just a word to express our hope that you are doing everything you can against the Gardner eight-hour bill now before Congress.

We believe that possibly twenty-five or fifty years hence such legislation will be in order, but for the present we certainly are opposed to it unalterably, and hope you will do what you can against it.

Yours, very truly,

DE LOACH MILL MFG. CO.,  
Per A. A. DE LOACH, *President*.

[Dixie Printing Company.]

ST. LOUIS, *March 2, 1908.*

MR. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

SIR: We wish to protest against H. R. 15651. We feel that the passage of this bill would be injurious to the conduct of private manufacturing enterprises.

Trusting you will give this matter your careful consideration before the bill is allowed to pass, and thanking you in advance for considering our protest, we are,

Very truly, yours,

DIXIE PRINTING CO.,  
Per W. P. ROBERTSON.

[The Davis Sewing Machine Company.]

DAYTON, OHIO, *March 6, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to enter our protest against the "Gardner" eight-hour bill (H. R. 15651), as it is a step in the wrong direction and will ultimately injure all the large manufacturing interests who are competing for export trade.

It is very hard at the present time for us to compete with Germany in the markets of the world on our line of goods on account of the difference in the wage scale, and if this bill goes into effect and becomes a law it will only be a short time until we

will all be compelled to go to the eight-hour day. This will naturally increase the cost of our output and close the foreign markets effectually against us.

Trusting that you will see the injustice of this bill as against the manufacturers, and do all you can to prevent its passage, we are,

Very truly, yours,

THE DAVIS SEWING MACHINE CO.,  
F. T. HUFFMAN, *President*.

[Detroit Steel Products Company, Railway Springs.]

DETROIT, *March 3, 1908.*

HON. JOHN J. GARDNER,  
*Chairman, Washington, D. C.*

DEAR SIR: Our attention has been called to the eight-hour bill, so called, which is now under discussion in your committee, and a careful consideration of the requirements of that bill convinces us that its passage will be a serious detriment to the industries of this country and in some cases would create a fatal handicap.

We therefore would protest most earnestly against a favorable report from your committee.

Soliciting a fair consideration of this protest, we remain,

Yours, very truly,

DETROIT STEEL PRODUCTS CO.,  
JNO. G. RUMNEY, *Treasurer*.

[L. D. Dozier, Security Building.]

ST. LOUIS, *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I trust you can see your way clear to oppose the eight-hour bill (H. R. 15651). I think this bill will be far-reaching in bad results, and I sincerely trust that you will do all you can toward its defeat.

Yours, very sincerely,

L. D. DOZIER.

[Detroit White Lead Works.]

DETROIT, MICH., *March 3, 1908.*

HON. J. J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We humbly take the liberty of protesting most vigorously against the eight-hour bill (H. R. 15651). While the spirit in this movement is perhaps prompted by good intentions, nevertheless we must declare against its practicability as relating to the welfare of manufacturers generally.

In the majority of manufacturing industries there is a nine or ten hour working schedule adopted with a fixed rate in accordance, which is proving equitable to employer and employee alike.

With the passage of the eight-hour law as applying to Government contract work a serious handicap would be inflicted on the manufacturers, who would find it impossible or else extremely inconvenient to change the workday of some employees who were employed on the contract material.

We are not overlooking entirely the welfare and rights of the American workingman when we make this protest, but changes such as these must come naturally with the course of time when conditions make them fit, and we must say that the time for radical movements in this direction is not the present.

We submit this with the hope that when the matter comes to you for consideration it will be treated with your usual careful judgment and deliberation.

Very respectfully, yours,

DETROIT WHITE LEAD WORKS.

[S. M. Davidson, Coal.]

MATTEAWAN, N. Y., *March 21, 1908.*

HON. JOHN J. GARDNER,  
*Chairman, Washington, D. C.*

DEAR SIR: Recently I have had placed in my hands several bills, among which I find H. R. 15651, proposed by you, and known as the "Gardner eight-hour bill." After careful reading of the same I desire to register my formal protest against the measure. It seems to me if this bill became a law that it would force by stipulation what would be unconstitutional if required by criminal statute. It is paternalistic and socialistic in its tendencies. It is a burden upon the contractor, who is required to become the guarantor of the observance of the law, or subcontractor, no matter how many there may be. It also appears that the language of the bill is uncertain and its application doubtful. I trust that the members of your committee will withdraw this measure, so drastic in its context, in the interest of the larger number who would be more hurt than the good it might do in its uncertainty. I beg to remain,

Yours, truly,

S. M. DAVIDSON,

*Of the Manufacturers and Business Men of State of New York.*

[Dunn's Brick Works.]

ERIE, PA., *February 19, 1908.*

HON. ARTHUR L. BATES.

DEAR SIR: I am vitally interested in the defeat of the Gardner eight-hour bill now pending and trust that in the interest of business reason you will use every honorable means to that end. Thanking you in advance and assuring you of my great confidence in your loyalty to the right, I beg to remain,

Most respectfully, yours,

H. C. DUNN.

[Telegram.]

ERIE, PA., *February 19, 1908:*

HON. ARTHUR L. BATES,  
*Washington, D. C.*

The passage of Gardner eight-hour bill will be opposed by every manufacturer, and urgently request your vigorous opposition.

MANUFACTURERS' ASSN. OF ERIE.

[East End Boiler Works.]

DETROIT, MICH., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: Our attention has been drawn to a bill pending in Congress limiting the hours of labor to eight hours, and we wish to take this means in most earnestly protesting against the passage of the bill, giving below few of our strongest reasons for so doing.

It would irreparably embarrass, industrially and financially, hundreds of plants whose product is intended wholly or partly for the Government.

It would drive them out of the field of Government bidding, resulting in greater prices being paid for work of equal character to work of to-day; may result in the establishment of Government factories, to the detriment of private concerns which make up the bulk of our great commercial power to-day, and would wreck whole industries.

It would, if enacted, involve revolution and destruction to American manufacturers; in short, it would be applied socialism by force.

It would be the inevitable entering wedge for further labor legislation, for the labor party, once having secured this advantage, would not stop there.

It would indirectly and in time result in legislating the hours of labor into private enterprises of all kinds of the whole country by act of Congress, resulting in the inability of our manufacturers to compete with those of foreign countries, and in the killing of the great commercial business of America.

It has been very earnestly considered before, when there were good times, not being enough men for the jobs. To urge it now, when, in the stagnation of times, the business men want, and above all things need, freedom from agitation of every kind, is a veritable crime.

We would beg that you kindly consider the above in all its different ways.

Yours, truly,

EAST END BOILER WORKS,  
Per F. DESNER.

[The Economy Electric Company.]

WARREN, OHIO, *March 6, 1908.*

Hon. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: May we approach you with our protest against the provisions of the Gardner bill (H. R. 15651)? We can not help but feel that the contents of this bill will hurt those who it is desired to help by its provisions. In the present condition of commercial affairs it is utterly impossible to thus arbitrarily increase cost of production and still keep factories running. The effect will undoubtedly be to throw out of employment those whose condition in life it is designed to better.

We trust, therefore, that this protest will be received and considered, and that the vote and efforts of yourself and colleagues will be used to prevent its passage.

Very truly, yours,

THE ECONOMY ELECTRIC COMPANY,  
W. GEO. LANE.

[Empire Rubber Manufacturing Company.]

TRENTON, N. J., *February 18, 1908.*

Hon. JOHN J. GARDNER,

*Washington, D. C.*

DEAR SIR: We understand you have recently introduced an eight-hour bill practically identical with the McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses.

We desire to enter protest against the passage of such measure, as we believe it would naturally affect our interests. Then, again, we do not consider it wise for the reason that it would reduce the wages of the workingman, and also mean reduced production, and in this way a substantial loss to the manufacturer.

We therefore sincerely trust that this bill will not become a law.

Yours, very truly,

EMPIRE RUBBER MFG. CO.,  
T. B. MASON, *Vice-President.*

[Telegram.]

ERIE, PA., *February 18, 1908.*

Hon. ARTHUR L. BATES,

*House of Representatives, Washington, D. C.*

We request that you resist with all your force the passage of the eight-hour bill. It means confiscation of 20 per cent of our capital.

ERIE CITY IRON WORKS.

[The Esterbrook Steel Pen Manufacturing Company.]

CAMDEN, N. J., *February 27, 1908.*

Hon. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: I observe that you have introduced into the House bill 15651, which is practically the same as the McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses.

As we have written you before, we seriously object to these bills on general principles. It seems hardly necessary to go into the objections to them, which you are perfectly familiar with, no doubt, but if this bill should become a law the result would



be that, outside of Government employment, agitation for the same hours would probably take place, very much to the detriment, we believe, of most manufacturers, and probably of their employees.

My impression is that nine-tenths of your constituents are opposed to the provision of this act, which fact, if it is a fact, I think should have an influence in checking your urgent advocacy of the measure.

Hoping, therefore, that the bill may be withdrawn or not passed by the committee, I am,

Very truly,

ALEXR. C. WOOD, *Treasurer.*

[Emerson Manufacturing Company, plows, harrows, mowers, etc.]

ROCKFORD, ILL., February 29, 1908.

HON. JOHN J. GARDNER,  
*Chairman, House Labor Committee, Washington, D. C.*

DEAR SIR: As manufacturers we wish to enter a very strong protest against the passage of eight-hour bill 15651.

We are making an effort to build up a foreign trade, which trade will of course enable us to give employment to a large number of workmen if we are successful. If an eight-hour bill goes into effect, and it extends to all branches of industry, as it will be likely to do, we believe that it will not only ruin our chances of getting any foreign trade, but that it will injure the United States export business worse than anything else that can possibly be done.

So long as foreign countries work the number of hours that they do it is useless for manufacturers in the United States to expect to work a shorter number of hours, pay the scale of wages paid in this country, and compete for the foreign trade. The United States as a whole are just getting a nice foreign trade started, and it would be building up an impossible barrier should a bill of this kind be passed. We therefore urgently request that this bill be not favorably reported upon.

Yours, truly,

C. S. BRANTINGHAM,  
*Secretary and Treasurer.*

[Enterprise Iron Works, castings, general machinery.]

ALBERT LEA, MINN., April 9, 1908.

HON. JOHN J. GARDNER,  
*Chairman Subcommittee on Labor,  
House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to a bill now before Congress fixing the amount of hours labor at eight hours, called the eight-hour bill. Without going into discussion of the merits or demerits of such a law, we would merely mention two things which appeal strongly to us—first, as an employer of labor; and second, as to the workman—which to our mind works an injury in both cases and it seems to us the greater to the employee.

Beginning in the order named for the employer, with the average run of contract and jobbing work and an eight-hour-day limit on Government work would work great confusion, as necessarily the employees engaged on this work would have to begin later and leave earlier than the balance of the men in the shop; otherwise it would be necessary to divide their services for an hour in the morning and one in the evening. This would be a great disadvantage to the employer, as you readily see it would be hardly probable for the man to complete his work that he had begun on when 8 o'clock arrived. And again, in the foundry work, most of the foundries in our experience, ourselves included, pour off the last hour or hour and a half. On the Government work in question it would have to be poured earlier, and men that should be completing their work on their floors would be called to help on the eight-hour work. The result of all this would be that the employer would be obliged to make the labor day eight hours instead of ten on all classes of work. We are passing by the matter of overtime to complete work, as we are sometimes obliged to do when there is a forfeiture clause or time limit for completing work contracted for.

From the employees' point of view, the really pushing, energetic, and ambitious man who wishes to get ahead to be employer himself some day is anxious to work as many hours as his strength will allow, thereby increasing

his salary and making it possible to accumulate a surplus. This for the man who has no other way of getting up in the world excepting by his own endeavor. With an eight-hour-day limit, exceeding this, making it a misdemeanor for the employee or the employer to labor more than eight hours a day, as contemplated by the eight-hour bill, leaves no chance for the man who is really the employer of to-morrow.

Should the eight-hour bill become a law regarding Government work, there is one logical conclusion, and that is, eight hours will be a day's work for all classes of work in the near future, and to our mind it is as much a detriment and perhaps more to the employee as to the employer, as we view it.

We would ask that you make our protest a matter of your printed records, and that you will use your earnest endeavors to defeat this measure, as we believe it should be.

Very sincerely, yours,

ENTERPRISE IRON WORKS,  
J. WELLINGTON VENESS.

[Eidlitz & Hulse, counsellors at law.]

NEW YORK, April 2, 1908.

Hon. J. J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: As counsel for the legislative committee of the Building Trades Employers' Association of the City of New York, as well as the New York State Association of Builders, I beg to say that bill No. 15651 has been considered by the organizations which I represent and that these organizations are strongly opposed thereto.

The bill to which I refer is otherwise known as the "eight-hour bill." A law similar to this was enacted in this State two years ago, since when it has created the greatest embarrassment to the public officials of the city of New York, in that it has been almost impossible since then for the city authorities to get any responsible contractor to undertake to perform any public contract.

The contractors have found it wholly impracticable to carry out contracts in accordance with the eight-hour rule, for the reason that building materials, such as doors, windows, and trim and other furnishings are turned out in factories, either in this or adjoining States, where it is customary to work at least nine and frequently ten hours a day, so that when a builder endeavors to contract with those factories for the furnishing of such materials, the factories refuse to change their factory regulations, as they do not care to obtain such work which would necessitate such a departure from the regular routine of their factory operations.

For these reasons the city has been hampered in the progress of the erection of a number of public schools, as well as hospitals and other public buildings, and there has been no resultant good; in fact, it has been a direct detriment to the interests which sought the passage of the law, in that large numbers of men have been kept out of employment.

The impracticability of the law is specially illustrated in the steel and iron trades, where the steel and cast-iron columns are turned out for the erection of buildings. It is a fact that those steel fittings can not be completed in eight hours when the process of fashioning and molding those parts require at least nine or ten hours before the metal can be permitted to cool, so that in the event of the passage of such a bill it would require two shifts of men to turn out such building material.

For those reasons we respectfully request that your committee will not report this bill favorably.

Very respectfully,

ERNEST F. EIDLITZ.

[J. Evenson & Sons, incorporated, soaps.]

CAMDEN, N. J., February 28, 1908.

Hon. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: In regard to the eight-hour bill (H. R. 15651) permit us to say that you are of course interested in legislating to the best interests of all peoples, all of which is very greatly appreciated. Of course the United States Government in its

own work can consistently adopt any number of hours as a day's work, but when the law governs work done by the business community at large it is exceedingly difficult to separate from the regular work and business of such people that which belongs to the public in general and that which is intended for the United States Government. It means unnecessary hardship, and there is no doubt whatever but what you will fully appreciate the difficulty when you carefully analyze the entire situation. We respectfully protest against the passage of the bill in question.

Very respectfully, yours,

J. EAVENSON & SONS, Inc.,  
W. J. EAVENSON, *Treasurer*.

[Evans & Howard Fire Brick Company.]

St. Louis, *March 13, 1908.*

Hon. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Our attention has recently been called to the discussions and hearings on the eight-hour bill now before Congress, and we desire to enter our emphatic protest against the enactment of this bill into law.

The arrangement of our work is such that to divide the day into periods as proposed would add very materially to the cost of our manufactures, with no prospect of our being able to increase the selling price in proportion, and our work would be so disarranged as to create a burden which no manufacturer should be required to bear. The margins of the selling price of fire-clay wares over the actual cost of manufacture at this time are so small as to make it impossible that manufacturers can bear the least increase in said costs and consequent decrease of the margins.

Another matter which will be inimical to the interests of our line would be the enactment of amendment to the Sherman antitrust act exempting labor organizations from its terms, and while such legislation will be inimical in a general way to all industries, it will be of particular moment to those in our line.

We hope, therefore, every effort you can possibly make toward the defeating of these proposed measures will be put forth in our interest. Respectfully, therefore, praying your kind offices in our behalf, we are,

Very truly, yours,

EVENS & HOWARD FIRE BRICK COMPANY,  
GEO. W. JONES, *Secretary*.

[Eau Claire-St. Louis Lumber Company.]

St. Louis, Mo., *February 27, 1908.*

Hon. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We trust that you will record your protest before the Congressional subcommittee against the Gardner bill (H. R. 15651), the passage of which we consider would be a serious blow to our own and general business as well.

Yours, very truly,

EAU CLAIRE-ST. LOUIS LUMBER COMPANY,  
By N. C. CHAPMAN, *President*.

[Eastman & Johnstone Manufacturing Company, ornaments.]

St. Louis, Mo., *February 28, 1908.*

Hon. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We see by the paper that you have introduced in the House of Representatives bill H. R. 15651, as an eight-hour bill. Being manufacturers and hiring quite a number of men, and working for their interests as well as our own, we consider this bill an unjust measure, and sincerely trust that this measure will not pass the House, as it is no more than the notorious McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses.

We remain yours, truly,

EASTMAN & JOHNSTONE MFG. CO.,  
H. G. EASTMAN.

[Economy Rug Manufacturing Company.]

ST. LOUIS, MO., *March 3, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

HONORED SIR: Our attention has been called to bill H. R. 15651, and would respectfully enter a protest against same. As far as it pertains to our business, it would virtually mean our going out of existence. If this eight-hour bill passes, we believe it will work a hardship on both employers and employees. The cost of labor and supplies in the last few years have been phenomenal, and make it difficult for us to overcome them.

Trusting that you will enter your protest against this bill before the House Labor Committee, we are,

Yours, very truly,

THE ECONOMY RUG MFG. CO.,  
 R. V. LARKIN.

[Electric Machinery Company.]

MINNEAPOLIS, MINN., *March 9, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: Permit us to call your attention to H. R. 15651, "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

We sincerely hope that as legislators seeking the good of our common country you will kill this outrageous piece of proposed legislation.

We will not go into detail, giving you all of our reasons, as you are undoubtedly in receipt of hundreds of letters from factories throughout the country taking the same stand that we do.

We regard the proposed measure as un-American and detrimental and undesirable with respect to the majority of those who would be affected thereby.

Yours, very truly,

ELECTRIC MACHINERY CO.,  
 C. H. CHALMERS, *Vice-President.*

[Excelsior Supply Company.]

CHICAGO, *March 4, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.:*

DEAR SIR: We wish to enter our protest against H. R. 15651. We expect to do a large business with the Government; it is a seasonable business, the manufacturing of bicycles and motor cycles, and we occasionally are compelled to run fourteen hours a day. Our usual time is nine hours. We do not know how we can fill orders and comply with the bill, as we understand it, hence our protest.

Yours, very truly,

EXCELSIOR SUPPLY COMPANY,  
 GEO. T. ROBIE, *President.*

[Telegram.]

PHILADELPHIA, PA., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.:*

We object strenuously to Gardner eight-hour bill. Please use your influence against it.

ELECTRELLE CO.

[Excelsior Stove and Manufacturing Company.]

QUINCY, ILL., *March 7, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Kindly treat this as a protest against the passage by Sixtieth Congress, first session, of H. R. 15651, which provides for an eight-hour schedule on all work performed for the United States, or for any Territory, or for the District of Columbia.

Should this bill become a law it will be impossible to operate one branch of a plant on an eight-hour basis and other branches upon a different basis.

You are doubtless aware the Supreme Court of the United States has held it to be unconstitutional to prescribe by law that the hours of labor in an ordinary private enterprise shall be only eight. Such a law, moreover, is an undeserved affront to the independence and discretion of adults.

For our Government to enact any law sanctioning such a measure would be the entering wedge for paternal and socialistic legislation; individual initiative and independence have made this country the most prosperous and popular of all nations for all deserving workmen.

Individual conditions in some trades will not admit of an arbitrary eight-hour law. Therefore, if it is wrong to enforce eight hours because of an interference with individual liberty and because economic business administration makes the provision of such a law impracticable and unjust, then the Government should not be compelled by law to boycott concerns which are obliged to work over eight hours or whose employees, from choice, work overtime, for which they receive satisfactory and just remuneration.

The Government should purchase its supplies and materials where it can obtain the best article for the least money, and not attempt to dictate the way in which manufacturers should operate their business when it knows nothing of the peculiar conditions surrounding that business. A private person may discriminate against any particular concern from any whim, but the Government, which is using the people's wealth, should not do so.

We therefore most strenuously protest against the Government being compelled by law to use its patronage to accomplish two highly objectionable purposes, namely, in enforcing the eight-hour law in industries where competition will not permit, and further, preventing employees working over eight hours if they so desire, and thus in effect encroach upon their individual liberty and accomplishing indirectly that which would be unconstitutional if accomplished directly.

Furthermore, during the past several years of prosperity, there were not sufficient employees to manufacture and properly carry on the business of the manufacturing enterprises of this country, which condition will reoccur as soon as business conditions again reopen.

There are many more reasons that we could name, but feel the above will suffice, and therefore ask you, as a representative of all the people of this Commonwealth, to use your influence in defeating the proposed Gardner eight-hour bill.

Yours, truly,

EXCELSIOR STOVE AND MANUFACTURING CO.  
JOHN J. FISHER, *President.*

[The Elliott Company, addressing machinery.]

BOSTON, *March 23, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We most respectfully protest against the passage of what is known as the Gardner eight-hour bill. We consider that such a bill, if it became a law, would be a serious handicap to many lines of manufacture throughout the country.

Yours, very respectfully,

THE ELLIOTT COMPANY,  
STERLING ELLIOTT, *President.*

[Elmira Knitting Mills.]

ELMIRA, N. Y., *March 21, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We sincerely trust that you will use your influence against the eight-hour bill (H. R. 15651), which is before your committee. We are sorry the question is brought up and trust that it will not reach the floor of Congress, as it will cause great confusion in manufacturing industries.

Yours, very truly,

ELMIRA KNITTING MILLS,  
CASPER G. DECKER.

[W. F. Embree &amp; Co., mechanical engineers.]

LYNN, MASS., March 21, 1908.

HON. JOHN J. GARDNER,  
Washington, D. C.

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

W. F. EMBREE.

[Erie Manufacturing and Supply Company, engines and feed water heaters.]

ERIE, PA., February 19, 1908.

HON. ARTHUR L. BATES, M. C.,  
Washington, D. C.

DEAR SIR: It has come to our notice that the Gardner eight-hour bill is likely to be called up for a vote, and we would request that you do all in your power to defeat this measure, as it would work hardship on us on any Government work we might wish to bid on.

Hoping you can consistently work for the defeat of this bill, and thanking you in advance, we remain,

Yours, truly,

ERIE MFG. AND SUPPLY CO.  
Per P. A. HIMROD, Treasurer.

[Erie Malleable Iron Company.]

ERIE, PA., February 19, 1908.

HON. ARTHUR L. BATES,  
House of Representatives, Washington, D. C.

DEAR SIR: We learn that the Gardner eight-hour bill (H. R. 15651) is now before a subcommittee of the House Committee on Labor, and in this connection we desire to register our protest against the enactment of this bill at this time. As you are doubtless aware, business prospects are none too bright any way, and we feel that a bill, such as the one referred to, affecting practically all of the manufacturers of the country, would be unwise and very detrimental under existing conditions.

Yours, very truly,

ERIE MALLEABLE IRON CO.,  
GEO. R. METCALF, President.

[Erie Foundry Company, steam hammers.]

ERIE, PA., February 20, 1908.

HON. ARTHUR L. BATES, M. C.,  
Washington, D. C.

MY DEAR MR. BATES: We have just wired you as follows:

"Strongly opposed to the Gardner eight-hour bill. Hope you can consistently work against it."

We understand that this bill is prejudicial to the interests of the manufacturers of the country and is introduced largely to make political ammunition. We believe that whatever affects the interests of the manufacturer also affects the interests of the workman. If you throttle the manufacturer, the workman is ultimately the greatest sufferer. The margin between success and failure, between profit and loss, is so narrow that a measure of this kind might produce universal distress. We trust that you can consistently exert your influence in opposition to this measure.

Yours, truly,

ERIE FOUNDRY COMPANY,  
J. S. VAN CLEVE, President.

[A. B. Felgemaker, Erie Organ Company, Incorporated.]

ERIE, PA., *February 19, 1908.*HON. ARTHUR L. BATES,  
*Washington, D. C.*

DEAR SIR: We have been advised that the Gardner eight-hour bill is about to come up in Congress, the passage of which would be very much against our interests.

We trust you will protest against this bill in every way possible, as we are very much opposed to any such legislation, especially in our line of business, which is one of the best in this city so far as the welfare of our men is concerned.

Trusting you will use every effort to prevent this bill from passing, we remain,

Yours, very respectfully,

A. B. FELGEMAKER ORGAN CO.,  
Per A. F. M.

[Federal Company.]

CHICAGO, ILL., *February 21, 1908.*HON. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to House bill 15651, we understand that this is intended to limit the hours of labor performed by any laborer or mechanic doing work on Government contracts or on goods furnished to the Government to eight hours per day. This hits us.

We are manufacturers of plumbing supplies. We have been to the expense of providing tools and machinery costing several thousands of dollars to produce the goods that the engineers of the Government specify for Government contracts. Should this bill pass we must at once cease making these goods, as we can not, in justice to the rest of our business, comply with the requirements of this law. This is true of a large number of manufacturers who make goods intended for Government use. The natural effect will be to place this Government business in the hands of some monopoly and to cause the Government to pay prices largely in advance of the prices they are now paying under the present competition system.

We therefore, on our own behalf, wish to most emphatically protest against its passage.

Yours, truly,

FEDERAL COMPANY.  
A. D. SANDERS,  
*General Manager.*

[Contracting Painters and Wall Paper Dealers' Association (Incorporated).]

FORT WAYNE, IND., *April 9, 1908.*HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

SIR: The Master House Painters and Decorators' Association of Fort Wayne, Ind., earnestly protests against the passage of the eight-hour bill, as it is deemed by this association both unwise and pernicious and against the best interest of the manufacturers and mechanics of the country. We also ask your honor that this letter be made part of the printed records in this case.

Thanking your honor in advance, we are,

Yours, very truly,

THE MASTER HOUSE PAINTERS  
AND DECORATORS' ASSN.,  
CLEM. JUNGE, *Secretary.*

## RESOLUTION OF FARIBAULT (MINN.) BUILDERS' EXCHANGE.

Believing that H. R. 15651, if enacted into law, would greatly enhance the cost of all articles purchased by the United States Government; that it would restrict bidders on Government work to the few who were especially equipped for it; further believing that this legislation is opposed to the best interests of

our country and is asked for by the labor organizations only representing a very small percentage of the labor class: Now, therefore, be it

*Resolved*, That we, the members of the Faribault Builders' Exchange, protest against this bill and respectfully request our Representatives in Congress to oppose its passage.

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[The Henry R. Fell Company, concrete specialties.]

TRENTON, N. J., *March 9, 1908.*

HON. J. J. GARDNER,  
*House of Representatives, Washington, D. C.*

SIR: In regard to the eight-hour bill now pending, we beg to state that we earnestly hope that efforts will be exerted to prevent its passage.

We have been interested in Government contracts and realize the effect of its passage.

Respectfully, yours,

THE HENRY R. FELL CO.

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[The Firth Carpet Company.]

FIRTHCLIFFE, N. Y., *February 24, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

SIR: Referring to the Gardner bill, H. R. 15651, we beg to enter our protest against this and hope same will not be reported.

Yours, respectfully,

THE FIRTH CARPET CO.,  
FRED BOOTH,  
*Secretary.*

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[Fitchburg Steam Engine Company.]

FITCHBURG, MASS., *February 19, 1908.*

JOHN J. GARDNER, M. C.,  
*Washington, D. C.*

DEAR SIR: House bill 15651 has just come to us, and we wish to protest against the passage of any such bill, not only in the interest of the manufacturers but in the real interest of the laboring men.

The result of such a law would be to disorganize every shop engaged in furnishing the United States Government anything under contract, and is also rendering uneasy every workman outside of Government employ. It is bad enough as it is. It will be worse under the law that is proposed.

It has been proved conclusively in the last few years that the productive manufacturing capacity of the country is not up to the needs of the country even at the present nine to nine-and-a-half hour day.

The pressure is from a very few men representing only a very small part of the laboring element of the country. Manufacturers as a whole are more interested in the welfare of their employees than the so-called representatives of labor organizations.

We speak from an experience of more than one-third of a century of employment of men through the various vicissitudes of business, and we are,

Very truly, yours,

F. FOSDICK, *Prest.*

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[Fuller and Warren Company, stoves, ranges, furnaces, and water heaters.]

TROY, N. Y., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We write to make a protest against the bill introduced by you as House bill 15651, to regulate the hours of labor. We believe that the working hours, as well as the wage for labor, should be a matter of contract between the employer and the employee, and there are so many reasons that may be raised in opposition to the above bill that it seems impossible, without much elaboration, to enumerate them in letter form, but we can tersely say that the measures which this bill proposes are, in our



opinion, un-American and tend to interfere with the rights of both labor and capital and should it become a law must necessarily react against the interests of both.

Yours, respectfully,

FULLER & WARREN CO.,  
WALTER P. WARREN, *President*.

[Farrel Foundry and Machine Company.]

ANSONIA, CONN., *February 20, 1908.*

HON. JOHN J. GARDNER,  
*Chairman of House Labor Committee, Washington, D. C.*

DEAR SIR: We notice that an eight-hour bill, H. R. 15651, has been introduced by Representative Gardner, of New Jersey, and that it is practically the same as the McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses. If this is the case, we wish to place with you a most emphatic protest against such legislation, and we sincerely trust that any and all of such socialistic legislation will be reported unfavorably by your committee.

We are writing our Senators and Representatives on the same lines as these, and trust that you will see your way to report unfavorably the above bill.

Very truly, yours,

FARREL FOUNDRY & MACHINE CO.,  
ALTON FARREL, *Assistant Treasurer*.

[The N. K. Fairbank Company.]

CHICAGO, ILL., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, House of Representatives, Washington.*

SIR: Our attention has been called to the above bill, No. 15651, which we understand is now before your committee, and we desire to express our emphatic belief that its passage would prove very detrimental to the manufacturing interests of this country, and especially to manufacturers engaged in competition for foreign business or who may be on a competitive basis with foreign manufacturers for the trade of our home markets. We hope that the measure will be reported upon adversely and that no bill providing for an eight-hour labor day may be passed.

Very respectfully, yours,

THE N. K. FAIRBANK COMPANY,  
F. H. BRENNAN, *Secretary*.

[A. B. Farquhar Company, Limited.]

YORK, PA., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman of House Labor Committee, Washington, D. C.*

DEAR SIR: Trust that H. R. bill 15651 will not be passed at this session. These hours-of-labor bills are all subversive of the interests alike of the employer and employees; interfere with trade and the freedom of trade; do no good whatever. Very few successful men work less than twelve or fourteen hours a day. The laborer, as a rule, is far better off working ten hours than working less. He receives more for his day's work, and of course since what he consumes costs less he can live cheaper. Have been fifty years in business, have given close attention to the subject, and regard labor legislation as to hours of work as almost uniformly vicious.

Very truly, yours,

A. B. FARQUHAR.

[The Forbes Lithograph Manufacturing Company.]

BOSTON, MASS., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman Labor Committee, House of Representatives,  
Washington, D. C.*

DEAR SIR: We note there is to be a hearing before your committee on the 18th in regard to bill introduced by you, H. R. 15651, an eight-hour bill.

We are unable to appear personally before your honorable committee, but take the liberty of writing you and trust you will lay our protest before the committee.

We believe that in the present state of the business condition of the country it would be disastrous to adopt any such bill. Whatever the limitations of the bill may be as to its application to Government employees and Government contracts, the effect it will have upon other industries is such as to cause unrest and the further unsettlement of business conditions. It is a hard proposition now for manufacturers to furnish profitable employment for their employees, and anything that will agitate or unsettle the hours of labor will be a great detriment to general business conditions in this country.

Therefore we respectfully protest against the favorable report of bill H. R. 15651.

Yours, very truly,

THE FORBES LITHOGRAPH MFG. CO.,  
W. S. FORBES.

[Wm. A. French & Co. (Incorporated), furniture and interior woodwork.]

ST. PAUL, *March 12, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We would ask as a special favor of you, being a Member of the House Committee on Labor, to use you best efforts to eventually prevent bill H. R. 15651, introduced by Mr. Gardner, of New Jersey, on January 29, 1908, from becoming a law, as we feel that such a law would be a detriment to a vast majority of working people, as well as to all manufacturing industries.

We are led to believe that the American Federation of Labor, through its representatives, are working tooth and nail to have this bill become a law, and we realize that they constitute about 10 per cent of the working classes, and feel satisfied that the other 90 per cent would, if the matter could be brought to their personal attention, join us in strongly advocating the killing of this measure.

We feel that it is utterly wrong for the Government to deprive citizens of the right to make the most of the opportunity afforded them in their various callings, and the theory of the law regulating the hours of labor is absolutely wrong.

Respectfully, yours,

WM. A. FRENCH & COMPANY,  
C. G. FRENCH, *Manager.*

[J. W. Franks & Sons, printers and bookbinders.]

PEORIA, ILL., *March 5, 1908.*

HON. JOHN J. GARDNER,  
*Representative in Congress, Washington, D. C.*

DEAR SIR: Referring to House bill No. 7564, limiting the hours of labor on Government work and providing for legal recoveries for overtime, will say this firm is opposed to such a bill being passed for many reasons. The law should not destroy the right of a laborer to contract his labor for as many hours as he pleases; it should not destroy the right of a Government contractor to contract with laborers for more than nine hours' work per day if both parties agree. This is only an entering wedge of the labor unions for a uniform eight-hour labor law in all lines of business; many industries can not exist if there is such a law.

There are many, very many, other reasons why we are opposed to this legislation, but let it suffice for us to say that this representative organization of employers of labor in this city of Peoria, Ill., most earnestly requests you to make an unfavorable report on this bill.

Yours, very truly,

J. W. FRANKS & SONS.  
PER GERALD B. FRANKS, *President.*

[The Tiler & Stowell Co., engineers, machinists, and founders.]

MILWAUKEE, WIS., *February 27, 1908.*

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor,  
House of Representatives, Washington, D. C.*

DEAR SIR: My attention has been called to the Gardner eight-hour bill. I feel sure, if enacted, this bill will greatly interfere with American manufacturers and put us largely on a par with Australia. In that country, with the manufacturer so handi-

capped, pretty much everything except repairs is shipped in, instead of, as it should be, manufactured in that country.

Since the depression some months ago all the manufacturers have troubles enough of their own in an effort to keep their men at work half the time. Our plant, from 1898 to along in November last year, ran continuously night and day. Now we are working only half the ordinary day force, and these only alternate weeks, as we aim to divide what little work is offered so as to give an equal percentage of it to all the old employees.

It appears to me that the proper thing for Congress to do is to let well enough alone and not further embarrass our industries. I am opposed to the proposition because, as I see it, it is simply an entering wedge for Government meddling in private enterprises.

Yours, very truly,

THE FILER & STOWELL CO.  
T. J. NEACY.

[Firth & Foster Company, dyers and finishers.]

PHILADELPHIA, Pa., February 28, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,*  
*House of Representatives, Washington, D. C.*

DEAR SIR: We must enter our protest most emphatically against the eight-hour bill, H. R. 15651, as being most pernicious. An act of this kind, instead of helping the laborer, would only create injustice to the very people it is sought to help. This applies particularly in our line of business, which can not be regulated the same as machinery, which can be started up at one time and stopped at another certain fixed period, but goods in process will have to be put through regardless of time, and we would be compelled to employ two sets of hands, limiting each one to five or six hours for a day's work, thus depriving the hands of even making eight hours a day.

You can readily see the force of our argument, and trust that you will use your best endeavors to report on the bill negatively.

Respectfully, yours,

J. A. KERLE,  
Of FIRTH & FOSTER CO.

[Samuel H. French & Co., paint and varnish.]

PHILADELPHIA, February 29, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We desire to enter our protest against bill H. R. 15651, known as the "Gardner eight-hour bill."

Should this bill become a law it would, in our opinion, work a great injustice to the manufacturer, as well as to the Government. In our own case, we only occasionally supply the Government with goods; but should this law become effective we would have to decline to supply any goods for use of the Government, as it would be impracticable for us to divide any one of our factories so as to strictly conform to this law. Again, some of the goods which we occasionally supply the Government are composed of material produced only in part by ourselves, the balance coming from other manufacturers in different sections of the country. This would make it impossible for us to trace out and feel assured that the eight-hour law had been fully complied with by the other manufacturers, and therefore we could not continue to supply these goods to the Government.

The bill seems to infringe largely upon personal and property rights, and savors greatly of paternalism.

We trust in the interest of laboring classes, manufacturers, and the Government that every effort will be made to prevent the passage of the bill.

Very truly,

SAMUEL H. FRENCH & CO.

[Foster Brothers Manufacturing Company, metal bedsteads.]

UTICA, N. Y., February 29, 1908.

HON. JOHN J. GARDNER, M. C., *Washington, D. C.*

DEAR SIR: As a manufacturer, in behalf of the manufacturing corporations in which I am interested, I desire to enter my most earnest protest against H. R. 15651.

It is entirely impracticable for manufacturers to carry out the stipulations of the bill as they carry on their business at the present time and engage in contract work for the Government.

We are engaged in a business, as our letter head indicates, of manufacturing articles for domestic use and for market in the United States and for foreign trade. We are oftentimes asked to submit proposals for supplying goods in our line to the Government, and we and most other manufacturing concerns are not limited in the employment of labor as to the number of hours per day or as to overtime. We work as the demands of our business require. No concern could take on a Government contract to be subjected to the conditions as proposed in this bill.

While these labor restrictions might be imposed on certain Government work where the entire work is Government, it is utterly impracticable to impose such restrictions that would apply to manufacturers supplying the Government with manufactured goods.

I earnestly hope and trust that you will use your every endeavor to oppose this bill.

Very truly, yours,

O. S. FOSTER.

[Ferracute Machine Company.]

BRIDGETON, N. J., U. S. A., February 28, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Referring again to the eight-hour bill (H. R. 15651), we would like to impress you as strongly as possible with the fact that we take the same position as we have taken in the past on similar bills. We do not consider it would be wise legislation to pass a bill of this kind. You would appreciate the position that it puts many manufacturers in if you were a manufacturer and occasionally (or quite frequently) did Government work in connection with other lines of work. It may be policy on your part to bring forward a bill of this kind to suit certain classes, but we trust that you will consider the manufacturers' side of the question as well as that of the workmen, and, incidentally, bear in mind that the manufacturers' interest is the workmen's interest also, although sometimes they think differently, especially in a matter of this kind, and we therefore trust that you will discourage the passing of this bill rather than encourage it.

We recently received from you copies of different bills that are up that may affect manufacturers, for which please accept thanks. We trust that you will try to send us copies of other bills that may come up from time to time, particularly while you are representing this district.

Very truly, yours,

FERRACUTE MACHINE COMPANY,  
Per E. PAULLIN, *Secretary*.

[Fidelity Storage, Packing, and Moving Company.]

ST. LOUIS, MO., February 26, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We desire to respectfully and earnestly protest against the passage of House bill 15651, believing it to be simply a class legislation intended to benefit only a very small number of our people; that it is inimical to the best interests of the great majority; that it is impolitic, unwise, and unnecessary.

We trust your honorable committee will not report favorably on this measure, and beg to remain,

Very truly, yours,

FIDELITY STORAGE, PACKING, AND MOVING COMPANY,  
Per R. A. BETTS, *Secretary*.

[H. H. Franklin Manufacturing Company.]

SYRACUSE, N. Y., U. S. A., March 10, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We desire to protest against the enactment of H. R. 15651, introduced by you, limiting hours of labor upon work done for the United States, etc. We believe

that the bill is wrong in principle and is an attempt at an unwarranted interference with the right of employers and employees to contract as they see fit.

Yours, truly,

H. H. FRANKLIN MANUFACTURING CO.  
G. H. STILWELL, *Vice President.*

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[Theodore W. Foster & Bro. Company, manufacturing jewelers.]

PROVIDENCE, R. I., U. S. A., *March 13, 1908.*

CHAIRMAN OF THE COMMITTEE ON LABOR,  
*House of Representatives, Washington, D. C.*

DEAR SIR: As one of the largest manufacturers of jewelry and silverware in New England, we must earnestly protest against the passage of the eight-hour bill that is now before Congress. This would rob the laboring man of his liberty to work as he saw fit and would be an injustice to the great mass of people who labor for a living. The very few laboring men and women in this country who might be intimidated into working longer hours than they should would be as nothing compared to the sacrifice of individual liberty, for all laboring people would be obliged to submit should this bill become a law.

Yours, very truly,

THEODORE W. FOSTER & BRO. CO.  
T. W. FOSTER, *President and Treasurer.*

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[E. & T. Fairbanks & Co.]

ST. JOHNSBURY, VT., *March 16, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: In common with all the manufacturers, we are strongly opposed to the eight-hour legislation proposed or any that limit the length of the labor day for other than the employees of the Government. Some contractors running only upon Government work could arrange with only the loss of running time, which could be paid for by increased cost to the Government, but subcontractors and concerns furnishing supplies could furnish part of their product on an eight-hour basis only by shortening the day for all their factory. And it is to be borne in mind that a machine will do only eight hours' work in eight hours' time. If the Government could succeed, as the promoters of this legislation hope, in cutting down the hours of labor, the output of a factory would be reduced unless the factory itself were correspondingly enlarged. Reducing the daily hours in which machines are run from ten to eight would require additional machinery—25 per cent more—that is, five-fourths as much machinery to give the output in four-fifths of the time. This would amount to confiscating millions of dollars and would bankrupt thousands of small manufacturers. Some industries where the machinery is run night and day could arrange for eight-hour shifts, but almost all would suffer, and the loss in the end would fall heavily on workmen, fewer employed, and prices higher for them and for men living upon salaries.

Yours, very respectfully,

HENRY FAIRBANKS, *Vice-President.*

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[Franklin Hudson Publishing Company.]

KANSAS CITY, MO., *March 20, 1908.*

HON. J. J. GARDNER,  
*Member of Congress, Washington, D. C.*

DEAR SIR: I desire most respectfully to enter an earnest protest against any further legislation looking to the adoption of an eight-hour working day.

In our line of business some years ago an agreement was made whereby the proprietors almost unanimously throughout the United States agreed to go to a nine-hour day. The change from ten to nine hours is yet so fresh in the memories of our people, conducting business with a reasonable amount of help, in the unfavorable conditions attending the readjustment of prices, that a further reduction would so unsettle values as to seriously endanger large investments in the business.

It is simply a fact that we do not find a demand for an eight-hour day among our employees, although the number of our help is small as compared with many of the institutions that no doubt have appealed to you. Yet in the 150 people employed

by us we have never directly or indirectly from them had a request or demand of any kind for an eight-hour day.

The business of to-day is so uncertain that it would be a distinct detriment to all employing interests to further unsettle the same by the enactment of the eight-hour bill.

Trusting that your committee will decline to present such legislation at this time, I remain,

Yours, respectfully,

FRANKLIN HUDSON, *President*.

[Telegram.]

PITTSBURG, PA., March 5, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee of Labor,  
Capitol Building, Washington, D. C.:*

We sincerely object to passage of proposed eight-hour bill. It would prevent our executing Government orders and work a hardship on the many employees who are willing and anxious to work more than eight hours a day.

FORT PITT BRIDGE WORKS OF PITTSBURG, PA.

[E. L. Fitzhenry & Co., engineers and machinists.]

BOSTON, MASS., March 23, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed will severely handicap a large number of manufacturing industries throughout the country, and we respectfully urge you to vote against it.

Yours, very truly,

E. L. FITZHENRY & Co.

[Building Contractors' Association.]

GRAND RAPIDS, MICH., March 20, 1908.

HON. JOHN J. GARDNER,  
*Member Committee on Labor,  
House of Representatives, Washington, D. C.*

DEAR SIR: At a recent meeting of the Building Contractors' Association of Grand Rapids, Michigan, each member present expressed his disapproval of House bill No. 15651, which limits the hours of labor on any Government contract, and we, as an association, respectfully request your committee not to report favorably on the bill.

We consider that the passage of this bill would be a great injustice to every contractor and to a great majority of the laboring men. The regulating of the hours of labor by law is wrong and not for the best interests of the people of this country.

Very truly, yours,

BUILDING CONTRACTORS' ASSOCIATION,  
HARRY E. HOSKEN, *Secretary*.

[Gerstendorfer Brothers, sapolin.]

NEW YORK, February 28, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

SIR: Respectfully referring to the "Gardner eight-hour bill" (H. R. 15651), we have carefully read and studied this measure and believe that it would be detrimental to American manufacturers. For that reason, we wish to enter our protest against this bill, and remain,

Yours, very respectfully,

GERSTENDORFER BROS.,  
J. RAABE, *Secretary*.

[Globe Knitting Mills.]

NORRISTOWN, PA., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
 House of Representatives, Washington, D. C.*

DEAR SIR: We understand that you intend, or perhaps have already done so, introducing a so-called "eight-hour bill," known as H. R. 15651, and wish to enter our protest against a measure of this character. We feel that in doing so we are not only voicing the sentiment of manufacturers in general, but also that of the employees, who are well satisfied with the working hours, and would vigorously oppose such a change as the bill in question would make.

Yours, respectfully,

RAMBO & REGAR (INCORPORATED),  
 Per J. S. RAMBO, *President.*

[Gould &amp; Eberhardt, machine tools.]

NEWARK, N. J., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR. Referring to H. R. bill 15651, we understand a bill has been recently introduced in a somewhat modified form with reference to instituting a compulsory eight-hour day.

This annual introduction of a bill more or less of this character is simply ridiculous, and should think our legislators could busy themselves with more important work, although we suppose the labor element must be pacified.

We trust this bill will go the way of all its predecessors.

Yours, very truly,

GOULD & EBERHARDT,  
 FRED L. EBERHARDT.

[Greeley Printery of St. Louis.]

ST. LOUIS, *February 19, 1908.*

HON. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that you have lately introduced an eight-hour bill (H. R. 15651), and it is our desire to protest against its consideration.

Our experience has been that an eight-hour day is unsatisfactory and therefore not economical, and does not, as a rule, work out to the best interests of all those concerned.

We trust that you will give this protest proper consideration.

Yours, very truly,

GREEELY PRINTERY OF ST. LOUIS,  
 S. J. HARBAUGH, *President.*

[The Grand Rapids Furniture Association.]

GRAND RAPIDS, MICH., *March 11, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Permit us to call your attention to bill H. R. 15651, so-called Gardner eight-hour bill, now before the House.

After careful consideration, we can not but most vigorously protest against the passage of this bill. The members of this association, as a whole and as individuals, request that you use your utmost efforts to prevent it from becoming a law.

Respectfully,

THE GRAND RAPIDS FURNITURE ASSOCIATION,  
 F. STEWART FOOTE, *Secretary.*

[Great Lakes Engineering Works.]

DETROIT, MICH., March 9, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We wish to call your attention to the fact that we consider the eight-hour bill now under discussion as being against the best interests of the country at large. The numerous arguments which have been advanced against this bill are already a matter of record, and we will not burden you with any opinions of our own, excepting to say that we confirm the opinions already expressed to you as against favorable action in this matter.

We trust this will have your serious consideration.

Respectfully, yours,

GREAT LAKES ENGINEERING WORKS,  
 ANTONIO C. PESSANO,  
*President and General Manager.*

[Glasgow Iron Company.]

PHILADELPHIA, March 5, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Will you kindly permit us to enter our most earnest protest against the "Gardner eight-hour bill (H. R. 15651)," and sincerely trust everything will be done that it is possible to do to prevent its passage.

The existing general depression all over the country is more or less attributable to the attempted passages of just such bills, and I feel we have had more than enough of such agitation.

Yours, very truly,

GLASGOW IRON CO.,  
 COMLY B. SHOEMAKER, *President.*

[Grand Crossing Tack Company.]

GRAND CROSSING, ILL., February 24, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that your committee is considering an eight-hour bill, H. R. 15651, and as manufacturers we wish to enter our protest against any eight-hour legislation, as such legislation would be very detrimental to the manufacturing interests of this country. If you hurt the manufacturing interests of this country you also hurt labor; so in the interest of both we enter our protest.

Yours, very truly,

GRAND CROSSING TACK COMPANY,  
 O. N. HUTCHINSON, *Treasurer and Manager.*

[Goodwin Manufacturing Company, Candles, Glycerine.]

ST. LOUIS, February 28, 1908

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to protest most emphatically against the passage of Gardner bill H. R. 15651.

We feel that it would be apt to work a very great hardship on the manufacturing and mercantile interests of this country and we are having troubles enough now, without any additional legislation to make further burdens, and we sincerely hope that you will use your best endeavors to defeat this bill, and to make it a matter of record, file your protest before the House Labor Committee.

We remain yours, very truly,

GOODWIN MFG. CO.  
 GEO. F. TOWER, Jr., *President.*



[The Goulds Manufacturing Company, pumps and hydraulic machinery.]

SENECA FALLS, N. Y., *February 28, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We have before us a digest of the bill H. R. 15651, which is to be considered on March 3, and we desire to write and register with you a protest against this bill and to state that we feel that the interests of the country would be greatly damaged if a bill carrying the provisions of a general eight-hour day for private employers were passed by Congress.

The language of the bill, in our opinion, is very vague, uncertain, and contradictory, and would undoubtedly force every contractor and manufacturer to operate under impracticable conditions, but would also require him to assume all risks of litigation in connection with the interpretation of the law. We think that the policy is extremely socialistic and certainly is without precedent in this country. It practically forbids overtime and does not even work to the advantage of the large manufacturing interests of the country.

Hoping you will be able to use your efforts to defeat the bill,

Yours, very truly,

THE GOULDS MFG. CO.,  
N. J. GOULDS, *Vice-President.*

[Grinnell Bros.' Music House, piano manufacturers.]

DETROIT, MICH., *March 1, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We would like to write you in regard to the bill, H. R. 15651, now before Congress, restricting the hours of labor on all Government contracts to eight hours.

We are very strongly opposed to this bill. It looks like a move on the part of the laboring man to get out of work. We believe the eight-hour day has already done more to increase the cost of everything the laboring man wishes to buy than anything else, and the more universal this short day becomes the higher prices will go.

We earnestly hope you will work against this measure.

Very respectfully, yours,

GRINNELL BROS.,  
By I. L. GRINNELL.

[Garson-Meyer & Co.]

ROCHESTER, N. Y., *March 3, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We take the liberty to enter our protest against the passage of House bill 15651, known as the "Gardner eight-hour bill." We believe that the enactment of this bill would be an injustice toward manufacturers, as well as the laboring class. It is our opinion that same would, in a measure, have the tendency to prevent that part of labor that is willing to work, and when there is plenty of work to do. It would certainly restrict the opportunity for work when work is being clamored for.

Respectfully, yours,

GARSON-MEYER & Co.

[Telegram]

PHILADELPHIA, PA., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

We emphatically protest against eight-hour bill before your committee.

JOHN L. GAUMER CO.

[Gray & Davis, automobile and carriage lamps.]

AMESBURY, MASS., March 21, 1908.

HON. J. J. GARDNER, *Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

GRAY & DAVIS.

[Wm. L. Gilbert Clock Company.]

WINSTED, CONN., March 2, 1908.

HON. JOHN G. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We have noticed with interest and some disquietude the efforts being made by certain individuals to get bills through Congress establishing eight hours as a legal day's work, and cutting off employers from furnishing more hours of employment to laboring men, even though they could and desired to do so, or from preventing working men from accepting any extra work.

We think the whole scheme is vicious and unconstitutional, legislating for one class to the detriment of another—class legislation, pure and simple—and is bound to work harm to all of us. We think all men should be free to make their own contracts, or bargains, as seems to them to be best. Of course there may be instances of oppression on the part of employers, but no more numerous than among the laboring classes—so called. That there should be some provision for governmental regulation in such cases is true, but, as a rule, employers should be free and workmen also, whether mechanics, laborers, or clericals, and I may include any person receiving a wage or salary from another, from the humblest to the President of the United States, to decide between themselves how many hours they will work as well as for what amount.

We think every man should be paid so much an hour and allowed to work as many hours as the employer is willing to pay for or he is anxious to work.

That is the way most of the employing people up here in Connecticut look at it.

We sincerely hope that nothing will be done about it.

Yours, very truly,

WM. L. GILBERT CLOCK CO.,

J. G. WOODRUFF,

*President and Treasurer.*

[Gould Coupler Company.]

NEW YORK, February 28, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

HONORABLE SIR: As employers of several thousand men, we desire to go on record as opposing your House bill H. R. 15651.

We desire to oppose the measure with all our strength. A manufacturer now has all he can do to take care of himself; conditions are exceedingly bad. If any more burdens are added at the present time it will force many of them out of existence.

We recommend for the benefit of all "peace and quiet" for a couple of years; we have had too much of a strenuous time within the past two or three years.

Very truly, yours,

GOULD COUPLER COMPANY,

F. P. HUNTLEY,

*Vice President and General Manager.*

[The Globe Machine and Stamping Company, Incorporated 1902.]

CLEVELAND, OHIO, February 24, 1908.

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor,*

*House of Representatives, Washington, D. C.*

DEAR SIR: The eight-hour day bill, H. R. 15651, has been the subject of discussion at our Manufacturers' Club and at other places, and we know that there is a

very strong feeling against the passage of such a measure and we can not urge too strongly to report on it unfavorably.

Respectfully,

THE GLOBE MACHINE AND STAMPING CO.,  
A. F. SCHROEDER, *Secretary-Treasurer.*

[The Griffin-White Shoe Company.]

BROOKLYN, N. Y., *March 14, 1908.*

CONGRESSMAN CALDER, *Washington, D. C.*

DEAR SIR: We are very much interested in the bill which is now before the House called the eight-hour bill.

As business men we do not feel that it is necessary to advance any special arguments in reference to this matter. If it were possible to make this bill operative in all sections of the country, thus eliminating the unfair competition which we have at all times to contend with, we would raise no objection, but as an illustration of the unfairness of this bill to manufacturers in large towns we would cite our own industry in Greater New York as compared with the same industry in the State of Pennsylvania and small towns throughout the East.

The manufacture of goods, owing to the condition of the people and their willingness to work for nothing, averages about 55 per cent less than the same work can be done in this town.

Congressman, we would call your attention to the fact that shoe manufacturing is the fifth largest industry in the United States and also the third city in production is the city of Greater New York.

We would ask you to bend your every effort to assist us in this matter.

By so doing, you will oblige,

Yours, respectfully,

THE GRIFFIN-WHITE SHOE CO.

[Heine Safety Boiler Company.]

ST. LOUIS, MO., *February 24, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to vigorously object to the favorable consideration of the Gardner bill (H. R. 15651), which we understand is now before your committee. The bill is highly inimical to every employer of labor, not perhaps because of any immediate effects which it might produce, but by reason of the basis which it will form for added legislation from time to time in the future.

Yours, very truly,

HEINE SAFETY BOILER CO.,  
E. R. FISH, *Secretary*

[Heroy Glass Company.]

CHICAGO, *February 20, 1908.*

HON. JOHN J. GARDNER,

*Chairman, House Committee on Labor, Washington, D. C.*

DEAR SIR: We understand your committee is now engaged in hearings on the eight-hour bill, against which we desire to enter an emphatic protest. For some years prior to a recent strike we had to contend with a periodical reduction by our workmen in their output, and our difficulties would have been greatly and intolerably increased by a reduction of hours as well.

We are now running an open shop, and the men are turning out more work in the same time without any trouble at all. There are no complaints about fatigue and backaches, which ailments formerly often demoralized our force, especially on Mondays, and we are not confronted with a class of men who were in position to demand the maximum wage and deliver such an amount of work as they thought proper while all the time agitating for shorter hours.

Yours, respectfully,

HEROY GLASS COMPANY,  
A. A. HUGHES, *Manager.*

[The Horton Manufacturing Company, Bristol steel fishing rods.]

BRISTOL, CONN., February 22, 1908.

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: It has been brought to our attention that you have recently introduced, and purpose to urge a favorable report upon, an eight-hour bill, which, while of perhaps less direct import as regards our interests than many which have previously been presented to Congress, is distinctly opposed to the best interests of working people, and of manufacturers. We wish, therefore, to enter a very vigorous protest against any favorable consideration of this measure at this time, and have asked our district Representative, and our Congressman at large to cooperate with us in this opposition. It seems to us that this is an especially unfavorable time, on account of present business conditions, to present this bill, and it is our opinion, therefore, that it should not be reported upon at this session.

We trust you will give our protest your thoughtful consideration and refrain from pressing this matter during this time of unsettled business conditions.

Yours, very truly,

THE HORTON MANUFACTURING COMPANY,  
CHAS. T. TREADWAY, *Treasurer.*

[The Haydenville Company, brass and iron goods.]

HAYDENVILLE, MASS., February 24, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Regarding this bill which is now before the Subcommittee on Labor we trust same will not be reported on favorably. The passage of this bill or similar measures would have the tendency to injure our business and the brass and copper industry throughout the United States.

The goods we manufacture, such as faucets, taps, and valves, are liable to be used by the Government at any time on orders drawn from stock, or if we bid on any special requisitions in order to be made reasonably low so that the Government can purchase them at a fair price, have to be made along with other goods on the same job, and to put these departments on an eight-hour time would work unnecessary hardship both on ourselves and on the workmen.

With this law in effect in any part of our plant, goods to the Government and the consumer would be increased in cost without any compensating income to the employee.

Anything you can do to have this bill withdrawn or modified will be duly appreciated by us.

Yours, very truly,

THE HAYDENVILLE COMPANY,  
A. S. HILLS, *Treasurer.*

[Hodge Electric and Manufacturing Company.]

KANSAS CITY, MO., February 21, 1908.

HON. J. J. GARDNER,  
*Chairman of the House Labor Committee, Washington, D. C.*

DEAR SIR: Relative to H. R. 15651 "limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes." As a member of the employers' association of this city we most humbly beg to state to you that we strongly oppose this bill and trust that it will not be passed by your committee, and with all due respect beg to submit to you these our views.

Yours, very truly,

HODGE ELECTRIC AND MFG. CO.  
CHAS. L. GAINES, *Treasurer.*

[Hamilton, Brown Shoe Company.]

ST. LOUIS, February 19, 1908.

HON. JOHN J. GARDNER,  
*Chairman of the House Labor Committee, Washington, D. C.*

DEAR SIR: We are informed that you have recently introduced an eight-hour law into Congress and we write to enter our protest against the passage of such a bill.

Such a law, if it became effective, would in our judgment work to the detriment of the manufacturer and also the employee. In our own business we are employing 5,000

shoemakers, most of whom are working by the piece, and it is not to their interest to cut down their working hours, which are now nine and ten hours a day, and it would hamper the manufacturer to such an extent as to increase the proportion of expense and cause him to keep a larger amount of money invested in factories in order to produce the same results as heretofore, thereby necessitating increase of cost to the consumer, loss of wages to the employee, and an altogether new adjustment for the manufacturer that would be of no benefit to him.

Trusting that you can see this in the light we do, we remain,  
Yours, very truly,

HAMILTON, BROWN SHOE CO.,  
By A. D. BROWN.

[Harrington & Richardson Arms Company.]

WORCESTER, MASS., February 18, 1908.

HON. JOHN J. GARDNER,  
*Chairman of House Committee on Labor, Washington, D. C.*

DEAR SIR: We want to enter our most vigorous protest against Congress passing any further bills restricting the hours which a manufacturer may run in making any kind of goods furnished the United States Government. The hours that factories are now running are short enough, as everyone in business knows, and when you put the restrictions on that certain bills want to you might as well stay out of business, and perhaps that is what some of the bills that are before legislatures and Congress intend to do.

We know that it would seriously affect manufacturers in our city, as well as in cities near us. For this reason we ask you to do what you can to see that the bill, if reported, is reported inexpedient to act.

We remain,  
Yours, truly,

HARRINGTON & RICHARDSON ARMS CO.  
GEO. F. BROOKS, *Treasurer.*

[Hubbard, Eldredge & Miller, fancy rockers.]

ROCHESTER, N. Y., February 18, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, House of Representatives,  
Washington, D. C.*

DEAR SIR: We beg to enter an earnest protest against the eight-hour bill recently introduced by you and designated as No. 15651. It does seem as if the manufacturers of this country were having a hard enough time now to be exempt from the additional perils which the enactment of such a bill into a law would bring about. Without admitting the justice of legislative enactment on this question, we beg to suggest that the present is an exceedingly unwise time for legislation of this kind.

Yours, very truly,

HUBBARD, ELDRIDGE & MILLER,  
WM. A. HUBBARD, Jr., *President.*

[Hawes, Von Gal Company, Incorporated, hat manufacturers.]

DANBURY, CONN., February 18, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to H. R. 15651, which is now before the House committee, the undersigned desires to submit its protest against the passage of this bill by Congress.

In our opinion it is injudicious and unwise to pass a measure containing the features which this bill embodies. We do not believe it will subserve to the business interests of the country and respectfully ask you to use your influence against the passage of said bill.

Yours, respectfully,

HAWES, VON GAL CO. (INC.),  
By C. R. HELIN, *Vice-President.*

[Handlan-Buck Manufacturing Company, railroad supplies.]

ST. LOUIS, *March 7, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: Referring to Gardner bill (H. R. 15651), we beg that you listen to our most earnest pleading that you use your best endeavor to defeat the passage of same. Such an exactment as this bill involves the curtailment of civil rights, the domination of outsiders as to the method of investing our capital, the limitation of ability, as regards both the employer and the employee, and a preponderance of leisure for a class whose very great majority has neither asked nor desired it.

Trusting your protest will be duly recorded before the honorable committee, we remain,

Yours, respectfully,

A. H. HANDLAN, Jr., *Secretary.*

[Hamilton Rubber Manufacturing Company.]

TRENTON, N. J., *March 9, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We have been advised that there is perhaps some prospect of the eight-hour bill being favorably reported by the subcommittee, in whose hands it now seems to be, and have been further advised you are chairman of this subcommittee, as well as chairman of the full committee.

Now, we have been informed of the features of this bill, and it is so very clear to us that it is a bad bill and will not only revert very serious harm to us, as manufacturers, far beyond an explanation of reasonable length, it will not be a good thing for our help and we take this means of registering our protest and we respectfully urge you to do everything in your power to prevent any bill of this kind becoming a law.

Our men are not overworked. You would be surprised to see how many of them are glad to have overtime, and we certainly feel these are matters which should be settled, not only locally, but as between the manufacturer and employee. No one was ever obliged to work for us overtime or longer than his disposition or inclination would make it satisfactory to him.

We hope that your committee will not report this bill favorably.

Very truly, yours,

HAMILTON RUBBER MFG. CO.  
 W. L. BLODGETT, *Secretary.*

[Henry Holmes &amp; Son, linen collars and cuffs.]

NEWARK, OHIO, *February 19, 1908.*

HON. W. A. ASHBROOK,  
*Washington, D. C.*

DEAR SIR: We beg to offer our protest against the passage of the Gardner bill (H. R. 15651), introduced by Representative Gardner, of New Jersey, which, in our opinion, if passed, would be injurious to the country as a whole, and we therefore ask you kindly to offer our protest to the chairman, House Labor Committee, Hon. John J. Gardner.

Respectfully,

A. H. HEISEY & CO.

[A. H. Heisey &amp; Co., Incorporated, table glassware.]

TROY, N. Y., *March 2, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We wish to protest against enactment of the Gardner eight-hour bill (H. R. 15651) as being an unconstitutional infringement upon personal and property rights, pernicious in its provisions and application, and wholly indefensible.

Kill the bill now in the committee's hands. It deserves a violent death.

Respectfully, yours,

HENRY HOLMES & SON.

[Hofmann Brothers Produce Company, evaporated and dried fruits.]

ST. LOUIS, February 27, 1908.

HON. JOHN J. GARDNER, M. C.,  
Washington, D. C.

DEAR SIR: Referring to the bill (H. R. 15651) now before the House, wish to say I think it a gross injustice toward our American citizens to have an eight-hour work-day established. Everyone should be free to judge for himself whether he work eight hours or more.

Yours, truly,

L. A. HOFMANN.

[Hobbs Manufacturing Company, paper box machinery.]

WORCESTER, MASS., February 29, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: House bill 15651 has been called to our attention, with the information that same is before your committee for consideration.

We wish to protest with all the force of which we are capable against the enactment of the legislation proposed in this bill. We regard it as wholly uncalled for and as a class of legislation which, in the present state of business, would tend to destroy what little courage there is left in the business community.

Labor undoubtedly has its rights. We think it is getting them in pretty large measure. The manufacturer also has some rights, and these seem to be slipping away from him with great rapidity these days.

Respectfully, yours,

HOBBS MANUFACTURING CO.,  
By C. W. HOBBS, President.

[Herring-Hall-Marvin Safe Company.]

NEW YORK, March 2, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We desire to enter our strenuous protest against the bill known as the Gardner eight-hour bill (H. R. 15651).

We are strongly of the opinion that this bill, while probably conceived in a spirit intended to be fair to both manufacturer and employee, is one that will work great mischief on the manufacturers of the United States.

We therefore take the liberty of transmitting to you our protest in regard thereto.

Very truly, yours,

HERRING-HALL-MARVIN SAFE CO.,  
C. U. CARPENTER, President.

[Hall & Brown, Wood Working Machine Company.]

ST. LOUIS, MO., February 28, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We have been advised that your committee has under consideration House bill known as "H. R. 15651," and we desire to enter our protest against the enactment of this bill, as we do not think it is just that this bill should become a law; and we hope that your committee will not act favorably on same and that same will not be reported favorably, and we can not too strongly protest against the passage of this bill.

Trusting your committee will see the injustice of this bill and that you will not recommend same, we remain,

Yours, truly,

HALL & BROWN WOOD WORKING MACHINE CO.,  
By W. WOLTERING.

[The Hoosier Manufacturing Company, kitchen cabinets.]

NEW CASTLE, IND., February 29, 1908.

HON. JOHN J. GARDNER,  
Washington, D. C.

DEAR SIR: My attention has been called to the Gardner eight-hour bill, which I understand is now being considered by your committee. I desire to lodge the protest of this company against the passage of this bill.

I have been in the manufacturing business twenty-two years and have had experience with both union and nonunion labor. My first thirteen years' experience was with union labor, receiving a high rate of wages and working from six to eight hours per day. These men made from \$5 to \$15 per day.

A string of saloons invariably located in the immediate vicinity of factories employing this class of people, and the greater majority of our men spent their time in these saloons rather than at home with their families.

In this same business we had nonunion common labor working ten hours per day at the rate of \$2 that saved more money and spent more time with their families than did these better-paid men with fewer hours' employment.

The past nine years our working time has been ten hours per day. Our rate of wages runs from \$1.50 to \$2.50 per day. I can go now among our present force of employees and find more men owning their own homes and having money in the bank than I could among the men employed in our other business, receiving three to four times more money and having from two to four hours less time to work.

I think from both a financial and moral point of view the measure is vicious and harmful to the very people that most desire the measure passed.

I sincerely trust your committee may find it desirable to consign this measure to a quiet resting place in the committee room.

Yours, truly,

J. S. McQUINN,  
Secretary and Treasurer Hoosier Manufacturing Co.

[The Hunter Arms Company.]

FULTON, N. Y., February 28, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: In regard to the H. R. 15651, eight-hour bill, we feel this is absolutely unjust to the manufacturer or contractor, and we want to enter our protest against said bill. It seems that we ought to have some rights and we hope that our Representative in Congress will grant us fair play. We are not entitled to any advantages over the laboring man, but we are entitled to as much consideration as they are.

Hoping this bill will be killed, I remain,

Yours, very truly,

THOMAS HUNTER, President.

[Hoffman Brothers Company, veneers.]

FORT WAYNE, IND., March 13, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: Referring to the Gardner eight-hour bill, we think it would be a great mistake to allow this to become a law, and we wish to enter a strong protest against its enactment.

Yours, very truly,

HOFFMAN BROTHERS COMPANY,  
By F. C. HOFFMAN,  
Vice-President and Treasurer.

[Howland Croft. Sons &amp; Co., worsted mills.]

CAMDEN, N. J., March 13, 1908.

HON. JOHN J. GARDNER,  
Chairman House Committee on Labor,  
House of Representatives, Washington, D. C.

DEAR SIR: We desire to enter our protest to you, and through you to the House Committee on Labor, against the passage of the so-called "eight-hour bill," now being



considered. We consider all legislation of this kind as unnecessary and that the passage of this bill will only lead to more drastic legislation of this kind later on.

In this connection we want to add that we are now being discriminated against right here at home by our State labor department, which is about to enforce the provisions of the fifty-five-hour law, when all our production is disposed of outside of the State of New Jersey, in competition with the manufacturers of other States that have no such laws. We mention this fact merely to show what we manufacturers are already up against in the way of discriminating legislation, when we are already having troubles enough to secure business that will warrant keeping our 500 employees steadily at work.

We trust the eight-hour bill will not be favorably reported, and if so reported that it will not pass for the reason before stated.

Yours, very truly,

HOWLAND CROFT, SONS & Co.

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[The Holmes Lime Company, Incorporated.]

SAN FRANCISCO, *March 3, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We are addressing you for the purpose of protesting as strongly as in our power lies against the bill known as the "Gardner eight-hour bill," being House resolution No. 15651.

If this bill becomes law it will practically prevent any manufacturer in the State of California, or any other State in the Union, for that matter, from undertaking Government work, as the bill, so far as we can see, renders the original contractor responsible and liable for the acts of subcontractors.

We have discussed the matter with a great number of business men of this city, and we are one and all convinced that such legislation would be most pernicious.

Yours, very truly,

THE HOLMES LIME CO., INC.  
By H. W. POSTLETHWAITE,  
*President.*

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[Hesse Envelope Company.]

ST. LOUIS, *February 27, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Our attention has been called to the fact that House bill 15651 is before your committee for hearing at the present time. As we consider this bill antagonistic to every manufacturer in this country, and only paving the way to a general eight-hour day in private employment, we are certainly opposed to its passage, and ask you, in fairness to the manufacturer and employer of any kind of labor, to pigeonhole this bill or recommend its nonpassage. We are sure if you were placed in our position you would consider such legislation as a burden and would protest against the passage of this bill.

Yours, truly,

HESSE ENVELOPE COMPANY,  
F. H. HESSE, *President.*

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[Hickey and Freeman Company, manufacturing clothiers.]

ROCHESTER, N. Y., *March 7, 1908.*

HON. J. J. GARDNER, *Washington, D. C.:*

WE desire to record our opposition to House bill 15651, proposed by Mr. Gardner, known as the Gardner eight-hour bill.

Yours, very truly,

HICKEY & FREEMAN CO.

[Job Hollinger Construction Company.]

KANSAS CITY, Mo., February 21, 1908.

Hon. J. J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

HONORED SIR: I am informed that there is now a bill before Congress which has been referred to your committee. The same is known as H. R. 15651. Now, I would consider this a great injustice both to employers and employees if this bill should be passed, so I earnestly request that your committee report unfavorably on this bill.

Thanking you in advance for your influence in this direction, I remain,

Yours, very respectfully,

JOB HOLLINGER.

[Hudson and Thurber Company.]

MINNEAPOLIS, March 10, 1908.

Hon. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been called to a bill (H. R. 15651) now in your hands for consideration, bearing the above number, and which has for its purpose the limiting of the hours of daily service of laborers, etc. We have carefully read the text of this bill and feel that it is not for the interests of the people as a whole, and particularly not for the interest of the employers of labor, that this should be favorably considered. We must, therefore, enter a protest against this bill, and we trust that you will present our protest to the boards of your committee when in session in order that our views and that of many other business men in the Northwest may be fully understood.

Thanking you in advance for your consideration, etc.,

Yours, truly,

HUDSON & THURBER CO.

[Handlan Warehouse Company, storage and forwarding.]

ST. LOUIS, March 7, 1908.

Hon. J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: Referring to Gardner bill (H. R. 15651), we beg that you listen to our most earnest pleading that you use your best endeavor to defeat the passage of same. Such an exactment as this bill involves the curtailment of civil rights, the domination of outsiders as to the method of investing our capital, the limitation of ability as regards both the employer and employee, and a preponderance of leisure for a class whose very great majority has neither asked for nor desired it.

Trusting your protest will be duly recorded before the honorable committee, we remain,

Yours, respectfully,

HANDLAN WAREHOUSE CO.  
Per R. D. TEASDALE.

[The Whitehead &amp; Kales Iron Works, incorporated 1905.]

DETROIT, March 3, 1908.

Hon. EDWIN DENBY, Washington, D. C.

DEAR SIR: Our attention has been called to the eight-hour bill offered by Congressman John J. Gardner. We wish to enter our protest against this bill being reported out of committee.

Such a law if passed would prevent a large number of manufacturers from doing Government work, as it would be impossible or impracticable for shops working nine or ten hours per day to shut down a department an hour or two earlier for a time whenever Government work is under contract. It would also lessen competition and very materially increase the cost of all Government work and deprive many workmen an opportunity to work on Government jobs, on account of existing conditions as to hours of labor applying to practically all of the shops in the States.

Please give this matter your very earnest attention, and oblige.

Yours, very truly,

THE WHITEHEAD AND KALES IRON WORKS, <sup>1</sup>/<sub>2</sub>  
J. T. WHITEHEAD, President.

[The Henry and Wright Manufacturing Company, drill presses.]

HARTFORD, CONN., *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: We wish to add our protest to a great many others which we have no doubt you will receive to your bill (H. R. 15651) regarding eight-hour legislation.

In times like the present, when manufacturers are making strenuous efforts to keep as many of their men employed as possible, regardless of any profit which they may make, it would seem that such a bill would prove extremely disastrous, but the trouble it would cause in ordinary times, when it is considered that we have to compete with foreign countries whose laborers are employed twelve and even fourteen hours per day at a much less wage scale than the ruling one in America, a bill like the one which you have introduced would, in our opinion, very materially interfere with the volume of business which manufacturers could do in the lines in which there is any possible foreign competition and in consequence would be the means ultimately of cutting down the number of employees.

We presume that you have given this matter careful study and consideration, but in any event we should be very much pleased to receive your opinion regarding the bill and its effects, so that we may study impartially both sides of the question.

Thanking you in advance for your interest in the matter, we remain,

Respectfully, yours,

THE HENRY & WRIGHT MFG. CO.,  
D. M. WRIGHT,  
*Secretary and Treasurer.*

[Harlow Shoe Finishing Machinery Company.]

BOSTON, MASS., *March 23, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee if passed will severely handicap a very large number of manufacturing industries throughout the country, and we urge you to vote against it.

Very truly, yours,

CHARLES H. FULLER, *Secretary.*

[The Geo. Q. Hill Company, metal goods.]

BOSTON, MASS., *March 24, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee if passed will severely handicap a very large number of manufacturing industries throughout the country, and we urge you to vote against it.

Very truly, yours,

THE GEO. Q. HILL CO.

[Telegram.]

PITTSBURG, PA., *March 7, 1908.*

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor, House of Representatives,  
Washington, D. C.*

The eight-hour contract labor bill now in hands of Committee on Labor if passed will be a detriment to the Government as well as its contracting people. The Government places thousands of small contracts yearly, and it would be utterly impossible to trace materials used in said contracts back to the manufacturer of eight hours per day. Quite a number of Pittsburg contractors have stated they would not bid on Government work if the eight-hour bill became law.

HEYL & PATTERSON (INC.).

[Hammermill Paper Company.]

ERIE, PA., February 19, 1908.

HON. ARTHUR L. BATES,  
House of Representatives, Washington, D. C.

DEAR SIR: We understand that the Gardner eight-hour bill is liable to come up in Congress at the present time. We would urge you most emphatically to protest against this bill.

Thanking you in advance, we remain,

Yours, truly,

HAMMERMILL PAPER COMPANY,  
WM. F. BEHREND.

[The Holsman Automobile Company.]

CHICAGO, ILL., February 27, 1908.

HON. JOHN J. GARDNER,  
Committee on Labor, House of Representatives, Washington, D. C.

DEAR SIR: My attention has been called to the effort to get Congress to enact eight-hour legislation. Our company employs in the neighborhood of 300 men, and I am very much opposed to legislation of this kind, believing that the law of supply and demand is the natural solution for this problem. It is something like the currency question. When business is especially pressing there is a need for longer hours, and the men are glad to work these extra hours, as they are well paid for it. I can not see where the workman will be particularly benefited with an eight-hour day, as it will not bring him any higher wages. There is a certain amount of work to be done, and if the day is shortened to eight hours it simply means that more workmen are necessary, but the individual workman will still get less wages than he would working nine hours a day. It might be argued that the increased number of workmen would raise the price of labor, but I do not believe that the price of labor would be materially affected, for the reason that there is nearly always a surplus of labor in the market. In other words, the time when there is not a surplus of labor is very small as compared with the time when there is a surplus of labor. I can not but feel, therefore, that the laborer would very likely defeat his own ends and lower his standard of living by decreasing the number of his earning hours.

I understand that the proposed legislation affects the Government work only, but Government work should be run on a business basis, and anything that is objectionable to private business is also objectionable to public business.

Shorter hours would require larger factories, more equipment, and greater overhead expense. This extra cost of production would eventually fall on the public, and in the end the workman would not gain anything.

It is not my purpose to go into the argument of this matter at great length, but I do wish to register myself as strongly opposed to legislation on this subject.

Yours, truly,

W. HILDRETH,  
Vice-President Holsman Automobile Company.

[Telegram.]

PHILADELPHIA, PA., February 18, 1908.

HON. JOHN J. GARDNER,  
Chairman House Committee on Labor, Washington, D. C.

We enter strong protests against the practicability, therefore the passage, of eight-hour bill.

HOMER BRASS WORKS (INC.),  
C. S. FRESHMUTH, President.

[The Hodge Boiler Works.]

BOSTON, March 24, 1908.

HON. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: We take the liberty of writing you in regard to the Gardner eight-hour bill now before your committee for consideration. We believe that if this bill is passed

it will severely handicap a great many of the manufacturing industries throughout the United States.

We can not urge you too strongly to vote against it.

Yours, truly,

THE HODGE BOILER WORKS,  
JOHN E. LYNCH, *Treasurer*.

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[Illinois State Association of Master House Painters and Decorators.]

CHICAGO, ILL., *February 21, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: On behalf of our organization I desire to protest against the enactment of what is known as the Gardner eight-hour bill. We believe it to be a dangerous measure, subversive of liberty and tending toward socialism.

The labor lobby should not be encouraged in their efforts to procure class legislation.

Yours, respectfully,

JOHN M. STILES, *Secretary-Treasurer*.

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[Manufacturers' Bureau of Indiana.]

INDIANAPOLIS, IND., *February 24, 1908.*

HON. JOHN J. GARDNER,  
*Chairman of the Labor Committee of the House, Washington, D. C.*

DEAR SIR: The Manufacturers' Bureau of Indiana, which is a state manufacturers' association, held its annual convention and banquet at the Columbia Club in this city on February 21, with 225 members present. The so-called eight-hour bill was one of the measures discussed, and the accompanying resolutions were unanimously adopted. This organization contains in its membership over 700 of the leading manufacturing establishments of the State of Indiana, it is organized by Congressional districts, and reflects practically the unanimous sentiment of the manufacturers and employers of this State. There is not the least room for doubt that the employing and manufacturing interests are as a unit in opposition to the eight-hour bill and other class measures pending in Congress, and this opposition is based on the firm conviction that this eight-hour bill and other bills of a class nature are entirely wrong in principle and would, if enacted into law, be very injurious to private industry, tending to produce greater distrust of the Government in the minds of investors, to discourage and hamper production, and to check the demand for employment. The manufacturers believe that hours and wages can not be legitimately regulated by Government and that it is a sound economic doctrine that hours can be shortened and wages advanced only by increasing the demand for employment and enlarging the products of labor per capita. We believe that with the factories of the country working only from one-third to one-half their usual number of employees, it is a very inopportune time to press such measures as this eight-hour bill.

I am instructed, as secretary of the bureau, to write this letter and send you these resolutions, hoping that you will give the same your prayerful consideration.

Yours, very truly,

E. H. DAVIS, *Secretary*.

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*Resolutions adopted by the Manufacturers' Bureau of Indiana in annual convention at the Columbia Club, Indianapolis, February 21, 1908.*

Whereas the American Federation of Labor now is, and for many years past has been, demanding on the Congress of the United States that it shall enact legislation of a class nature for the benefit of that organization and its members, so far as the same can be controlled by the Congress of the United States; and

Whereas the industrial conditions of the country are at this time very greatly disturbed and unsettled, and imminent danger would accrue to the public welfare in the event that any further burden should be placed upon them by legislation at this time, and by reason thereof the manufacturing interests of the country look with

solicitude and alarm upon the numerous measures introduced and urged upon Congress which would work a hardship upon all of them, and in many instances would result in a suspension of business that of itself would be very greatly detrimental not only to the employed and the employer but to all those who come in contact with and rely upon either: Therefore be it

*Resolved by the Manufacturers' Bureau of Indiana in conference assembled,* To consider the best interests of the manufacturers and, in so doing, of the men that they employ, that we look upon the bill introduced by Representative Gardner, of New Jersey, being House Bill No. 15651, as far-reaching in its results, harmful and vicious in its operation.

*Resolved,* That in our judgment if this bill becomes a law it would drive from the field of Government bidding hundreds of concerns now relying upon that in part, and limit such bidding to a small number of concerns so well equipped and fully capitalized that they could submit to the strain, while it would be impossible for others to compete.

*Resolved,* That the enactment of such a law by Congress and its enforcement would tend to induce or compel the extension of legislation beyond the field of Congressional enactment into the domain of purely State legislation, and introduce an element that under existing circumstances would be greatly detrimental not only to the interests of this association but to the men whom it employs and other people who deal with this association and its employees.

*Resolved,* That in the opinion of this bureau all legislation in the nature of class legislation is unwise and detrimental to the interests of the whole, and we therefore earnestly request the House Committee on Labor to grant full time and full hearing upon the proposed enactment before it shall be reported to the House.

*Resolved,* That copies of this resolution shall be forthwith sent to each Member of Congress from this State and each member of the Committee of Labor of the House of Representatives, including its chairman.

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[Isley-Doubleday & Co., manufactureres of railroad oils and lubricants.]

NEW YORK, March 13, 1908.

HON. JOHN J. GARDNER,  
House Labor Committee, Washington, D. C.

DEAR SIR: I desire to enter my protest against the enactment of bill H. R. 15651, introduced by you, as I consider said bill would be detrimental to both the interests of my employees and myself.

Yours, very respectfully,

ISLEY-DOUBLEDAY & COMPANY,  
WM. C. ISLEY, President.

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[The Ireland & Matthews Manufacturing Company, stove trimmings, sheet metal goods.]

DETROIT, MICH., February 19, 1908.

HON. JOHN J. GARDNER,  
Member of Congress, Washington, D. C.

DEAR SIR: We desire to enter our protest against House bill No. 15651, limiting the hours of daily service of laborers and mechanics for the United States, or for any Territory, or for the District of Columbia.

We protest on the grounds that an enforcement of such an act would be decided invasion on the rights of the citizens of the United States, and also detrimental to the business of this country.

We protest on the grounds that an enforcement of such an act would be tract. It is also class legislation, and undoubtedly would lead to more radical legislation of the same character.

Hoping that our protests may be carefully considered, we remain,

Yours, very truly,

THE IRELAND & MATTHEWS MFG. CO.,  
F. T. DUCHARME, Treasurer.

[Illinois Malleable Iron Company.]

CHICAGO, ILL., February 19, 1908.

Hon. JOHN J. GARDNER,

*Washington, D. C.*

DEAR SIR: We trust that you will not push the eight-hour bill through the House. Such legislation is for the few, and against the interests of the many.

Yours, respectfully,

ILLINOIS MALLEABLE IRON CO.,  
H. E. BULLOCK, *President.*

[The Imperial Brass Manufacturing Company.]

CHICAGO, ILL., February 20, 1908.

Hon. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We desire to express our disapproval of the proposed so-called "eight-hour bill," feeling that it would seriously interfere with the prosperity of our business, which of course means the prosperity of our employees, as well as our stockholders.

We believe if the proposed bill is passed, that it would operate disastrously to the very parties whom it is intended to benefit and consider it unwise, uncalled for, and dangerous.

Yours, very truly,

THE IMPERIAL BRASS MFG. CO.,  
W. S. NOYES, *Secretary.*

[Imperial Laundry.]

ST. LOUIS, Mo., February 28, 1908.

Hon. J. J. GARDNER,

*Washington, D. C.*

DEAR SIR: If you can consistently do so, we would respectfully ask you to use your influence against Gardner bill H. R. 15651, which will be highly detrimental to ours, as well as the business interests of the country if it becomes law.

Very respectfully,

C. W. BRIGHT &amp; BROS.

[S. C. Irving.]

SAN FRANCISCO, CAL., March 3, 1908.

Hon. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I note that there is an attempt being made in Congress of differentiating between the manufacturing trusts and the labor trusts.

As an employer of labor, and also as one who has been an employee, I strongly protest against any such distinction being made, especially in view of the fact that while the manufacturing trusts are being operated by genuine citizens, the labor trusts are owned and controlled by foreigners who have become citizens through no love of this country, but in order to give scope to their socialistic and anarchistic ideas that have been bred under the tyrannical governments of Europe.

I am, sincerely yours,

S. C. IRVING.

[Ice and Cold Machine Company.]

Hon. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

ST. LOUIS, March 13, 1908.

DEAR SIR: Our attention has been called to the Gardner bill, H. R. 15651, which proposes to put a yoke around the neck of the manufacturer, in the West more especially, where the country needs building up, improving, and the days are not long enough to do the work required.

We most emphatically wish to protest against this bill, and are writing our Representatives and Senators to that effect. It will be a millstone hung to the neck of the progressive man in the West and those who are upbuilding the country.

Respectfully, yours,

P. DEC. BALL.

[The International Pottery Company.]

TRENTON, N. J., March 9, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We wish to protest most earnestly against the passage of the eight-hour bill, which is in the hands of your committee. We are satisfied that ultimately it would work great hardship upon the manufacturers, and competing as we do most actively with foreign labor, we are afraid it would have a very disastrous effect upon us in the efforts which we are making to hold competitive markets.

Very truly, yours,

THE INTERNATIONAL POTTERY COMPANY,  
A. G. DALE, *Secretary and General Manager.*

[Manufacturing Jewelers' Association.]

NEWARK, N. J., February 18, 1908.

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor,*  
*House of Representatives, Washington, D. C.*

DEAR SIR: We notice with extreme regret that you have reintroduced practically the same objectionable eight-hour bill, No. 15651, against which we have protested for years, and we have twice sent a committee to Washington to oppose before your committee.

While we do not contract for Government work, we are most vitally affected, as are all manufacturers of luxuries, by anything that unsettles our staple industries.

In these times of stress anything that adds to the uncertainties likely to ruin important industries is worse than ill advised.

With the financial strain still upon all lines of manufacture and the great majority of our plants only able to run with largely reduced forces and on part time, we need rest from agitation above all things, and most earnestly hope your committee will not add to the embarrassment of manufacturers in our own State, as favorable action on this proposed legislation would certainly do at this time.

On behalf of the Manufacturing Jewelers' Association.

Very respectfully,

GEO. R. HOWE, *President.*

[Jackson & Church Company, Machinists, Founders.]

SAGINAW, MICH., March 3, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We notice an eight-hour bill is before the Committee of Labor of which you are the chairman. In reference to the same would say we are very much opposed to the agitation for an eight-hour day. This is simply an entering wedge for a universal eight-hour day. If this should be secured, agitators and cheap politicians would immediately start agitation for a seven or six hour day. Manufacturers and employers of labor are kept in turmoil all the time in order that a cheap lot of politicians and labor agitators may be kept before and get a living out of the public. We have no objections to a short work day when the labor is arduous or hazardous, but in the average manufacturing plant the work is not hard or confining.



In the demand for a shorter work day, the reason is given that men want more time with their families and to improve their minds, but in our experience and observation we have never known of a case when the men were not perfectly willing and anxious to work the extra hour or two providing they got extra pay. No manufacturing business with which we are familiar can afford to have two hours per day cut off their time of production. As you understand, taxes, insurance, etc., constitute part of what we call overhead expense, goes on regardless whether we run eight or ten hours per day; but if the plant is operated eight hours per day the cost of manufacturing has greatly increased, and this increased burden is placed on the long-suffering public. How much longer the public will stand it in order to keep a few politicians and labor agitators employed we do not know, but we do know that if we could get out the money we have invested we would not put a dollar in any business that would bring us in direct contact with labor. We believe the rank and file of employees are satisfied, but they are hounded continually by agitators and politicians and discontent is preached to them continually.

Trusting you will do everything in your power to prevent this kind of legislation, we beg to remain,

Very truly, yours,

JACKSON & CHURCH Co.,  
E. D. CHURCH,  
Secretary and Treasurer.

[The George Jonas Glass Company.]

MINOTOLA, N. J., February 29, 1908.

HON. JOHN J. GARDNER,

Washington, D. C.

DEAR SIR: We understand there is a bill known as an eight-hour bill in the hands of the Committee on Labor.

Should this bill be enacted it would mean that every manufacturing plant in the country would finally be working on eight hours per day. It strikes us that the effect of this can only be detrimental to the country at large, and even detrimental to those people who are known as the laboring class. We believe that one of the conditions in this country that is working against our institutions in every way is the one that puts the man down to a limit of his capacity so that he has no ambition except to receive his daily wage. There is a lack, at the present time, of ambitious Americans, primarily caused by the action of labor unions among our citizens.

In your consideration of this matter we trust that you will bear the above in mind, and give it such consideration as in your judgment you may deem advisable.

Very truly, yours,

THE GEORGE JONAS GLASS COMPANY.

[Jamestown Cotton Mill.]

JAMESTOWN, N. Y., February 28, 1908.

HON. JOHN J. GARDNER,

Chairman House Labor Committee, Washington, D. C.

DEAR SIR: I write to protest against the bill, H. R. 15815, introduced by you into Congress. I respectfully submit the following reasons why I consider this bill a bad one, that never ought to be put upon the statute books:

First, there are certain inalienable rights that belong to every man in this country. For some reason or other our lawmakers seem to lose sight of these rights, and attempt all sorts of things by legislation that never ought to be done.

What right has Congress to tell any able-bodied man of full age how many hours he shall work, or how many meals a day he shall eat, or what time he shall go to bed at night, or get up in the morning?

It seems to me that legislation on this question takes away a man's freedom and makes him a slave. Suppose Congress should legislate that a man shall work twelve hours a day, what then? If Congress has a right to say a man shall work eight hours, it certainly has the right to say he shall work twelve hours. How much better it is to let the individual and his employer decide this themselves. The man may want to work ten hours, because he is young and

strong and ambitious and has a need for the money. Now, what right has Congress to say to him, We know better than you do what is good for you, and you can not work over eight hours.

I respectfully maintain that Congress has no right to tell a man, or a woman either, what shall be the extent of their working hours. If you have a right to do this, why not tell him he must attend the Roman Catholic Church on Sunday or compel him to go to the Methodist Church?

Of course we all know where all this attempted legislation comes from—the trades unions. They want to get pay for time they do not work, and are all the time asking for special privileges to break the laws that all good citizens should keep; the anti-injunction act, for instance.

It would seem to me that our legislators should not allow themselves to be made the tools of the unionists in these matters, but should have some sound principles to go on, and refuse to be party to anything that takes away the liberty of the subject, as this eight-hour bill will do.

The hours of labor are being shortened all the time, and no one objects to this when the change comes about naturally as the country can afford it. But many people do not seem to know that if production is reduced and goods made dearer by shorter hours, that we must all of us be content with less of this world's goods.

The mission of civilization should be to make products cheap, so that the poor man's dollar will buy him more and more of the comforts of life.

This is being done all the time by the improvements in machinery and by labor-saving devices and inventions. But the effort of the trades unions is all the time to make things dear by raising wages and diminishing production. Then they complain that it costs more to live than it used to. They say practically, "Let us increase our wages and let the rest of the world do as it likes." Selfishness like this always defeats its own ends. I hope you will reconsider this matter and abandon the bill.

Yours, truly,

T. H. SMITH.

[Jefferson & Kasson, lumber.]

ST. PAUL, MINN., *March 11, 1908.*

HON. JOHN J. GARDNER,  
*Member of Congress, Washington, D. C.*

DEAR SIR: We are decidedly opposed to the passage of House bill 15651, limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, etc., because we believe that its passage will have a tendency to unsettle the entire labor problem of the country, as nearly all of the factories in the United States are running upon a nine or ten hour basis, and should the bill in question become a law it will require many of them to run two shifts of men—one on eight hours and the other the regular time basis. As a result a large majority of the factories can not practically compete for Government contracts, thereby costing the Government more than others pay for similar work.

We think it is not an opportune time to consider the cutting down of hours of labor, but rather how can they be kept employed.

Thanking you in advance for your courtesy in this matter, and hoping that you can consistently oppose this bill, we are,

Respectfully, yours,

JEFFERSON & KASSON.

[Jacoby Art Glass Company.]

ST. LOUIS, MO., *February 26, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: I have a request to make of you, and I believe that I can make the same claim on you which was made by a man who did not think much of religion, but who got into a tight place and, not seeing his way out of it, thought of praying. He introduced his prayer by telling the Lord "You know that I do not bother you as much as other people, in fact this is the first time that I have asked you to help me, and so I expect you to do your very best for me."

My request concerns the eight-hour bill (H. R. 15651) introduced by Repre-

sentative Gardner, of New Jersey, and which I understand is now in the hands of a subcommittee.

I wish to enter my emphatic protest against the passage of this bill and ask you to kindly record your protest before the House Labor Committee, and greatly oblige,

Yours very truly,

JACOBY ART GLASS CO.,  
H. H. JACOBY, *President*.

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[The Jeffrey Manufacturing Company, chain belting.]

COLUMBUS, OHIO, U. S. A., *February 20, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee,*

*House of Representatives, Washington, D. C.*

DEAR SIR: My attention has been called to H. R. 15651, introduced by you.

This bill is practically identical with the notorious McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eight Congresses, modified in some minor respects. The bill is dangerous to the industries and vital interests of this country, not alone to the employers of labor, but to the laboring men as well, and I protest most earnestly against the passage of this bill and all others of a similar intent and purpose.

There are many reasons why the manufacturers of this country can not adopt the eight-hour labor day and hope to compete in the markets of the world in the sale of their products, which you of course will readily understand.

Very respectfully, yours,

THE JEFFREY MFG. CO.,  
J. A. JEFFREY, *President*.

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[The Jamestown Worsted Mills.]

JAMESTOWN, N. Y., *February 20, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Our attention has been directed to the bill scheduled for hearing before a subcommittee of the House Committee on Labor, and respectfully ask that you use your influence in defeating it. We believe if the bill is passed it will not only be an injury to the manufacturing industries of the country, but an actual menace to our business prosperity. We protest against it and hope you will secure its defeat.

Yours, very truly,

HALL & Co.

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[Jaccard Jewelry Corporation.]

KANSAS CITY, Mo., *February 21, 1908.*

HON. JOHN J. GARDNER,

*Washington, D. C.*

DEAR SIR: Both as employers in the industrial world and as taxpayers in the municipal world we wish to enter our protest against the eight-hour bill which the labor lobby has now before the Committee on Labor.

Under present conditions the amount of taxes which the average citizen has to pay is considerably beyond the apparent benefits which accrue from such taxation. It would certainly work a grave injustice to taxpayers if it should become necessary to increase the rate of taxation that laborers for the Government, without any equitable reason, be given shorter hours than the citizen who pays his taxes.

We hope that you will find it consistent to do all you can to discourage your committee from reporting favorably upon this bill. Any influence which you use in this matter will be greatly appreciated, and we are convinced will be influence asserted along the right lines.

Very sincerely, yours,

JACCARD JEWELRY CO.,  
By WALTER M. JACCARD.

[Johnston & Murphy, shoes.]

NEWARK, N. J., *February 28, 1908.*

HON. JOHN J. GARDNER, M. C.,  
*House of Representatives, Washington, D. C.*

DEAR SIR: A meeting is to be held by the chairman of our manufacturers' committee of this city looking toward united action in protest against the so-called Gardner eight-hour bill. The board of trade is also to take formal action in the matter, and I therefore trust that you may feel that there is a sufficient and well-founded sentiment against the passage of this measure so that the consideration of it may be at least delayed until the board of trade and the manufacturers of this city may have the opportunity to be heard in the matter.

Very truly, yours,

HERBERT P. GLEASON.

[Telegram.]

ERIE, PA., *February 19, 1908.*

HON. ARTHUR L. BATES,  
*House of Representatives, Washington, D. C.:*

Understanding that Gardner eight-hour bill is soon to be brought up, we trust you will use your influence against same.

JARECKI MFG. CO.

[The Jewell Nursery Company.]

LAKE CITY MINN., *March 23, 1908.*

CHAIRMAN COMMITTEE ON LABOR,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We are advised that there is a bill introduced in Congress by Representative Gardner (H. R. 15651) "limiting hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes."

We protest against the bill for the reason that it will tend to unsettle the minds of laboring men and add to the already large number who want a living without giving a reasonable return. The Government can not afford to breed discontent among the laboring class or to make rules for its laborers that differ from the established rules of practical business men in legitimate businesses. Why should laborers render less service to the Government than to the individual? We ought to be honest with the Government. The agitator, whose only livelihood is gained by stirring up a discontent among the laboring class, is a menace to their best interests and happiness. We beg of you to oppose the bill referred to.

Respectfully, yours,

THE JEWELL NURSERY CO.,  
By J. M. UNDERWOOD, *President.*

[Employers' Association, including several hundred leading business men of Kansas City.]

KANSAS CITY, Mo., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: The legislation proposed by the bill known as the "Gardner eight-hour bill" is so widespread in its possible ramifications and so destructive in its tendencies that we respectfully appeal to your committee for the protection of the country's manufacturing interests from this attack.

We also request that you appoint a time at which our representatives may be heard by your committee in order to show the injurious effects which would surely result to both employer and employed should this bill become a law.

Yours, respectfully,

EMPLOYERS' ASSOCIATION,  
Per J. P. PRESCOTT, *President.*

[The Karges Furniture Company.]

EVANSVILLE, IND., February 25, 1908.

Hon. JOHN J. GARDNER, M. C., Washington, D. C.

DEAR SIR: We beg to file our protest against the bill H. R. 15651. It is unnecessary to go into any explanations or details in regard to the eight-hour bill, which we presume you do not care for; however, will say simply on one point that we have a large export business, and any law that will be passed by the Congress tending toward shortening the hours of manufacture is going to seriously handicap us in our foreign trade, as we will certainly not be able to compete, as the cost of the manufacture will be too high.

We sincerely trust this bill will never be reported to the House. Thanking you for your attention, we remain,

Yours, truly,

THE KARGIS FURNITURE Co.  
A. F. KARGES, Treasurer.

[Kalamazoo Stove Company.]

KALAMAZOO, MICH., March 2, 1908.

Hon. JOHN J. GARDNER,

Chairman House Labor Committee, Washington, D. C.

MY DEAR MR. GARDNER: No doubt you are burdened with many letters regarding the eight-hour bill (H. R. 15651), and what little I have to say may not have much weight or consideration with you, but I do wish to say that as a manufacturer who has been dealing directly with labor and who is employing almost altogether union men the eight-hour labor question is one very much misconstrued by those interested. I have never actually known it to do very much good except in a calling wherein there is a great deal of danger to a man's life.

But to take your own case, for instance, I know you could not accomplish anything if you confined your labors to eight hours every day. I know I could not in my own business, and as mayor of this city I find that we can not do very much with it consistently, both to the taxpayers and the many matters that come up, if we undertake to cut our hours of labor down.

Now, I will not burden you with any facts or figures, but the conclusions that I arrive at have come from experience with labor matters, and I know that a bill of the kind that you have before you is one that will work a great deal of harm and annoyance not only to the Government and the manufacturers of this country, but to the general good of the country at large, and I am inclined to think that a great many of our present troubles have been caused in many instances by the unjust demands of labor agitators and not by the men in the ranks. In fact, the men in the ranks do not agree with these agitators to a great extent, but are compelled to give their consent to it because of the influence of the leaders above them.

I wish you would please consider this as coming from one who is a friend to labor, but one who at the same time desires to be rightly treated and one who will treat others right. I am not in favor of a great many things that have been legislated against the laboring man, but I do think this proposition is something that interests you and me and every man who has the use of his brains and resides in the United States.

I would thank you to do what you can toward giving this your attention and not to enforce the bill as it stands before you.

Thanking you in advance for any consideration you may give this matter, I remain,

Yours, very truly,

KALAMAZOO STOVE COMPANY,  
WM. THOMPSON,  
Vice-President and General Manager.

[The Keystone Watch Case Company.]

PHILADELPHIA, February 26, 1908.

Hon. JOHN J. GARDNER,

Chairman House Labor Committee,

House of Representatives, Washington, D. C.

DEAR SIR: We understand that there has recently been placed before Congress an eight-hour bill and we desire to take this opportunity of most earnestly protesting at this time against any action on this subject.

As you are aware, for the past four months wage-earners of all kinds and classes have been thrown out of employment in spite of every possible endeavor on the part of the employer to keep them employed to at least a sufficient degree to keep body and soul together. In hundreds and thousands of instances factories are being run to-day piling up stock merely for the purpose of keeping their organization together and giving their people at least the bare necessities of life, and any legislation at this time affecting the hours of labor can only aggravate the situation. We therefore trust that no action will be taken which will be bound to result with injury to both employee and employer.

Very truly, yours,

THE KEYSTONE WATCH CASE CO.,  
C. M. FOGG, *Secretary and Treasurer.*

[Charles W. Kotcher, lumber.]

DETROIT, MICH., *March 2, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: It is my desire to most earnestly protest against a bill, commonly called the eight-hour bill, that you introduced limiting the hours of daily service of laborers and mechanics and employees upon work done for the United States, and for other purposes. Our business has been established here in one place for forty-four years, and I can easily see where it would embarrass thousands of plants in this country. As I take it, a large percentage of the industries in this country product is directly or indirectly intended wholly or partly for the Government.

I sincerely hope that you will look at the matter in its proper light and be broad-gauged enough to use your best efforts to defeat the bill.

Respectfully, yours,

CHAS. W. KOTCHER.

[Krom Machine Works.]

NEW YORK, *February 26, 1908.*

HON. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

SIR: In regard to the eight-hour labor bill now before the House Labor Committee, we have to say that if this bill passes Congress we shall be compelled to go out of the manufacturing business. We intend to run our business on profitable lines or not at all. By the curtailment of the working hours to only eight per day we would never get anything done. What the workman of to-day needs is a good dose of farm work, from daylight in the morning until 9 o'clock at night, and from the way that the unions of the country are acting—that is where most of them will land.

Very respectfully,

KROM MACHINE WORKS,  
By S. ARTHUR KROM, *President.*

[Keyes & Marshall Bros. Livery Company.]

ST. LOUIS, MO., *February 29, 1908.*

HON. J. J. GARDNER,

*Chairman of the House Labor Committee, Washington, D. C.*

DEAR SIR: Our attention has been called to House bill 15651, and we wish to protest against the passage of this bill. We think it entirely wrong and impractical to make a compulsory eight-hour day on any class of work. It would very materially increase the cost of all Government work should this law go into effect, and many concerns would be unable to figure at all on Government work.

In the second place we think it is class legislation, and we have no doubt but what it would share the fate of all other class legislation and be declared unconstitutional before the Supreme Court, but we feel no necessity of letting it go to that last resort. Arguments have been advanced that it would deliver

a favorable vote for certain politicians in the coming election, but this, we think, is entirely wrong.

The employee of to-day is the employer of to-morrow and vice versa. We respectfully protest against the report of this bill, and have urged upon all Missouri Congressmen and Senators to use their influence against this bill.

Thanking you for the consideration that we feel assured you will give this communication, we beg to remain,

Very respectfully, yours,

J. D. MARSHALL.  
M. H. MARSHALL, Jr.  
S. P. KEYES.

[Krey Packing Company.]

ST. LOUIS, *February 27, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: With reference to the Gardner bill, H. R. 15651, we would be very much opposed personally to the measure passing on a general eight-hour day in private employ by added legislation, and trust you will interest yourself in this matter to bring about the results we desire.

Yours, very truly,

PIERRE A. GARNEAU, *Vice-President.*

[Kansas City Slate and Tile Roofing Company.]

KANSAS CITY, MO., *February 21, 1908.*

HON. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

SIR: We understand you have introduced a bill relative to employment of labor on Government contracts. We consider the limiting the hours of laborers and mechanics very unfavorable legislation, especially toward the employers of such labor.

For a number of years past we have had contracts at practically all the army posts in the West and have found that the eight-hour law has worked a hardship on us. In some cases, where there is a time limit on contracts, it necessitated the paying of forfeitures, where, if our men could have worked an hour or two longer each day, the work could have been completed in much quicker time. Generally they are anxious to work a few hours, as the extra pay for overtime is quite an item.

We trust that you will give this bill your careful consideration, and that the committee of which you are chairman will not report favorably on this bill, which is aimed at the interests of the employer of labor.

Very respectfully,

E. E. MILLER.

[The Kenyon Printing and Manufacturing Company.]

DES MOINES, *March 13, 1908.*

HON. J. A. T. HULL,  
*Congressman from Iowa, Washington, D. C.*

MY DEAR SIR: In the name of the Master Printers' Association of Des Moines I am taking the liberty of again calling to your attention the Gardner eight-hour bill, which is now in the hands of the subcommittee.

The employing printers of this city are watching this bill with a great deal of interest and apprehension. We feel that if it should become a law it would work a great injury upon us and to the printing trade of the country in general, as its tendency would be to fasten the eight-hour law upon all the trades. Such a law, we believe, would be practically destructive to our business, which is having a hard enough time at the best to get along.

We again kindly urge and request you to use your influence to prevent this being reported out of the subcommittee.

We will greatly appreciate anything you can do along this line, and request that you let us hear from you promptly as to what you can effect.

Awaiting your valued advice, we are,

Yours, truly,

DES MOINES MASTER PRINTERS' ASSOCIATION,  
ALEX FITZHUGH, *Secretary*.

[Kelley Milling Company.]

KANSAS CITY, Mo., *February 21, 1908*

HON. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: It has come to our attention that bill H. R. 15651, being an eight-hour law, is before your committee.

If this should apply to flour contracts it would prevent our bidding on same. The time spent by a man in a mill is about ten hours per day. Should this time be decreased it would increase cost of production, making flour cost more, and it would prevent our bidding on Government flour contracts.

We trust that this bill will not be reported favorably by your committee. We are,

Yours, very truly,

KELLEY MILLING CO.,  
ARTHUR B. KELLEY, *Vice-President*.

[The Kennedy Valve Manufacturing Company.]

ELMIRA, N. Y., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We desire to make a protest in opposition to the bill H. R. 15651 introduced by Representative Gardner, of New Jersey, the same being entirely detrimental to our interests and the interests of manufacturers in general, and, we believe, against the true interests of labor.

Hoping you will use your influence toward the defeat of this bill, we remain, Yours, truly,

THE KENNEDY VALVE MANUFACTURING CO.,  
F. H. FAIRWEATHER, *Manager*.

[F. E. Kohler & Co., Hardware.]

CANTON, OHIO, *February 19, 1908.*

HON. JNO. J. GARDNER, M. C.,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We want to enter our protest against H. R. 15651, which is practically identical with the McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses.

It would make it practically impossible for a manufacturer to do any Government work alongside of his regular business with such a law as that in operation.

We were in hopes that when those old measures were defeated it would put a quietus on the matter for some time to come.

Yours, respectfully,

F. E. KOHLER & Co.

[Kimball-Storer Company, printers and binders.]

MINNEAPOLIS, *March 12, 1908.*

HON JOHN GARDNER, *Washington, D. C.*

DEAR SIR: We wish to protest against a favorable report on the eight-hour bill, H. R. 15651, now up before you for consideration.

In the first place, we believe it is wrong on general principles as private citizens. It will materially increase the cost of all commodities sold the Gov-



ernment and benefit nobody, but on the other hand give extra time for lawlessness to a large number of people.

Each and everyone of us should be allowed to make contract with others for the sale and hire of labor as conditions warrant, each making the most of this opportunity, which has made this country the greatest and most prosperous and the best for both employer and employee.

Our plant is run on a nine-hour basis, which, if awarded the contract we are now figuring on for the Government, would require running a part of it eight hours and a part of it nine hours, which would be a serious handicap.

Should the bill pass it would be a club in the union agitator's hands to bring pressure to bear on State legislature to pass bills that would affect private individuals, and for that reason we sincerely ask for an unfavorable report.

Yours, truly,

KIMBALL-STORER Co.

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[Lyman Felheim, lumber.]

ERIE, PA., February 20, 1908.

HON. ARTHUR L. BATES,  
House of Representatives, Washington, D. C.

DEAR SIR: The manufacturers here are a unit against the "Gardner eight-hour bill." It is against their interests and will work to their detriment. As one of them, I most respectfully request you to give this bill your strongest opposition.

Thanking you in advance for your favorable consideration, I remain.

Yours, truly,

LYMAN FELHEIM.

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[Lovell Manufacturing Company.]

ERIE, PA., February 21, 1908.

HON. ARTHUR L. BATES, Washington, D. C.

DEAR SIR: We are informed that Representative Gardner, of New Jersey, has recently introduced an eight-hour bill (H. R. 15651). We trust you will use your best endeavors to prevent this becoming a law. It is unnecessary for us to elaborate on the evil effects of laws of this kind on general business, but we fear that unless matters of this kind are strongly opposed by the Members who have the best interests of the country at heart some of these bad bills are sure to become laws in the near future.

Thanking you in advance for anything you may be able to do in this respect, we beg to remain,

Very truly, yours,

LOVELL MANUFACTURING Co.,  
B. A. WALKER, Vice-President.

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[Lake Shore Rubber Company.]

ERIE, PA., February 20, 1908.

HON. ARTHUR L. BATES,  
House of Representatives, Washington, D. C.

DEAR SIR: It has come to our notice that the Gardner eight-hour bill is to come up before Congress at an early date, and we respectfully inform you that we are earnestly opposed to this bill and all similar legislation. While we are not opposed to what might be termed "the humane principle of the bill," we think that all legislation tending to regulate the affairs and conduct of concerns and individuals is in the least un-American and the tendency is toward tyranny.

Yours, truly,

LAKE SHORE RUBBER Co.,  
LYMAN T. WHITEHEAD, Secretary.

[Lembeck &amp; Betz, Eagle Brewing Company.]

JERSEY CITY, N. J., March 16, 1908.

Mr. J. A. HAMILL, Washington, D. C.

MY DEAR CONGRESSMAN: It is observed that there is before the House Labor Committee a bill setting forth that only eight hours' labor should be performed. I think that the placing of such a law on the statute books, making it compulsory for the manufacturers to do this, is very dangerous. I hope, therefore, that you will take this matter under very serious consideration before giving your consent toward voting favorably on the measure.

Sincerely,

G. W. LEMBECK.

[The Employers' Association.]

LOUISVILLE, KY., April 1, 1908.

Hon. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: On behalf of the following Louisville and Kentucky organizations I beg to voice an earnest plea that unfavorable action be taken on the eight-hour bill now before your committee:

The Employers' Association of Louisville.

The Builders' Exchange of Louisville.

The Association of Master Builders of Louisville.

The Manufacturers' Association of Covington.

The Electrical Contractors and Dealers' Association of Louisville.

The Employers' Association of Kentucky.

These organizations, which I can assure you are highly representative, feel that the passage of this act would be as undemocratic an action as our Congress could possibly take and a blow to industries of all sorts that would be severe, unexpected, and fraught with disastrous results. We ask your earnest reflection and that of your entire committee on this measure before taking any action regarding it, as we can assure you that the business people of Kentucky, large and small, are awaiting the outcome of your action with the most intense interest.

Again we bespeak your opposition to this bill.

Very truly, yours,

Very truly, yours,

E. S. QUARLES,  
*Secretary.*

[H. C. Lindaly &amp; Son, contractors.]

KANSAS CITY, Mo., February 22, 1908.

Hon. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: In re H. R. 15651, "limiting the hours of daily service of laborers and mechanics, etc."

We desire to express to you our hope that your committee will not report favorably on this bill, as we regard it as being a most unreasonable, mischievous, and dangerous bill; one that is calculated to do an immense amount of harm in a number of ways with absolutely no compensating benefits to any right-minded or honest man. We can not believe that such measures as this are ever introduced from proper motives of the greatest good to the greatest number, but they carry on their face the signs of a kind of class legislation, which seems to be pushed rather from a vote-getting standpoint than from a desire to really enact beneficial laws. We feel sure that you will agree with us on that estimate of this bill if you will give a careful and impartial examination, and we trust you will kill it in committee rather than ever let it come before the House.

Very respectfully,

H. C. LINDSLEY &amp; SON.

[H. La Fountain, practical horseshoer.]

KANSAS CITY, Mo., February 22, 1908.

Hon. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to H. R. 15651, limiting the laws of daily service of labor, etc., we wish to earnestly protest against the enactment of the bill, as it

would work hardship and injustice upon both laborers and employers, and ask you to use all honorable means to prevent the same from becoming a law.

Very truly, yours,

H. LA FOUNTAIN.

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[Lovell & Buffington Tobacco Company, Incorporated.]

COVINGTON, KY., February 19, 1908.

HON. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We strongly protest against eight-hour legislation now up before your committee. The general condition of business in the country is such that a great many are glad to get any work at all. We think such legislation, especially at this time, will have a very serious effect on the country.

Respectfully,

LOVELL & BUFFINGTON TOBACCO CO.  
CHAS. J. DAVIS, *Secretary*.

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[Logan Iron Works.]

BROOKLYN, N. Y., February 24, 1908.

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We desire to register a most vigorous protest against the eight-hour labor bill now under investigation by the Congressional House Labor Committee.

Respectfully,

LOGAN IRON WORKS,  
T. J. LOGAN,  
*Vice-President and Treasurer.*

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[Levor & New, leather.]

NEW YORK, February 18, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

SIR: I consider the eight-hour bill, if passed, a calamity to the manufacturing interests of this country and of no benefit to the workmen. The laboring man, in fact, does not want it; it is the nonlaboring man that is agitating it. The one who manages to make a living off the laboring man wants it.

The true, steady, sober American workingman does not need class legislation in his behalf: he generally has a job at good pay, and if he does belong to any union it is often compulsory, fear of bodily injury, or constant annoyance on the part of labor unions. It is a mistaken idea to suppose that heads of labor, or labor agitators, represent labor votes. As a rule in elections with labor issues, as in the case of Mr. Littlefield, Maine, labor lost, for the reason that the sober, industrious workingmen generally vote to suit themselves, and do not favor so-called labor issues, which often are more or less anarchistic or socialistic, and rarely ever intended to be just to all the people.

Aside from its being detrimental to manufacturers, the regulation of working hours by Congress is out of place and would open the door for abuses in other directions, and I consider it important for the good of the country that this bill be killed.

Yours, truly,

G. LEVOR.

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[J. H. Lane & Co., Incorporated.]

NEW YORK, March 17, 1908.

HOUSE LABOR COMMITTEE,

*House of Representatives, Washington, D. C.*

GENTLEMEN: Permit us to register our protest against the enactment into law of H. R. 15651, which would limit the working hours of any manufacturer working on Government goods to an eight-hour day. We believe you will agree with us, on careful consideration, that the effect of such a measure would be serious, or even ruinous, on any manufacturing enterprise working in part or altogether

on Government orders. It would also necessarily heavily handicap the Government in the purchase of supplies to be manufactured, as anyone bidding on a Government contract would have to make allowance for the serious annoyance and restriction that would be placed upon him while he manufactured the Government goods. We earnestly ask your attention to this matter, and trust you will use your influence against the enactment into law of the eight-hour bill 15651.

Thanking you in advance, we remain,

Yours, truly,

J. H. LANE & Co.

[Lumen Bearing Company, Brass Founders.]

BUFFALO, N. Y., February 26, 1908.

HON. JOHN J. GARDNER,

*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: We understand that a bill (H. R. 15651) has been introduced containing clauses which are distinctly unfavorable to manufacturers and contractors operating directly or indirectly for the United States Government. The conditions under which our Government contracts are let are already so severe that a great many manufacturers will not bid, and an eight-hour bill above mentioned would be unfair, not only to manufacturers in general, but to the United States Government itself. For instance, in our line of manufacture foundries are operated on either the nine or the ten hour basis in all parts of the country. Without entirely rearranging our shop conditions, which would place us at a disadvantage in our ordinary business, we could not bid on manganese bronze castings, which are largely used in the naval department. Every other brass foundry making manganese castings in the United States would be in the same position.

A bill of this character would strike directly at the heart of the brass-foundry industry throughout the entire United States. We therefore request that you use every effort against the favorable report of this measure.

Very truly, yours,

WM. H. BARR, *General Manager.*

[Levering & Garrigues Company, engineers and contractors.]

NEW YORK, February 21, 1908.

MR. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to the eight-hour bill on Government work, which we understand is about to have a hearing, should a bill pass that would limit us to working only eight hours per day in our shop on such work, we would simply be out of the market. It is not feasible to work a part of your establishment on one basis and the balance on another, especially when it is all in the same department. We believe we do not differ in regard to this matter with other establishments in our line and take this opportunity to put ourselves on record as protesting most emphatically against the enactment of any such law.

Yours, truly,

LEVERING & GARRIGUES CO.,  
JEROME M. BELL, *Vice-President.*

[Lockhart Iron and Steel Company.]

PITTSBURG, PA., February 28, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We note bill H. R. 15651, known as the Gardner eight-hour bill, which has been referred to your committee, and we desire to enter our emphatic protest against this enactment for the following reasons:

First. It is unjust to the contractor, in that it makes him responsible for the acts of subcontractors over whom he has no direct control.

Second. It is unjust to the manufacturers, many of whom occasionally take small Government contracts and are precluded from doing so under the pro-

visions of this bill, as each of such contracts would overthrow their mill and shop arrangements regarding their labor.

Third. It is unjust to the Government, in that it will unnecessarily increase the cost of all material purchased by it for Government work, for the reason that it will throw all contracts into the hands of a few favored manufacturers who, because of having a monopoly of Government work, will be glad to comply with the provisions of this bill, but, of course, at the expense of the Government.

Fourth. We believe it is detrimental to the interests of the majority of the employees whom it purports to benefit, inasmuch as it will take work from many of those who might otherwise secure it.

Fifth. It is unfair to the great mass of the people to thus discriminate in favor of a comparatively small portion of the population, to wit, the so-called labor unions, while much the larger portion of the labor employed in this country has no connection with the so-called labor unions, whose leaders assume to dictate the policy not only of the employers, but also of public officials.

Yours, very truly,

LOCKHART IRON AND STEEL COMPANY.  
J. GILLESPIE, *Treasurer*.

[The Lucius Company, Engineers.]

PITTSBURG, PA., *March 5, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We believe that the eight-hour provision of the new bill now being considered by your committee will work to the detriment of the Government in the placing of contract work, and will especially affect the subcontractors.

We should not feel inclined to submit bids on any proposals affected by this new provision.

Yours, truly,

THE LUCIUS COMPANY,  
F. J. LEWIS, *President*.

[Lamb & Ritchie Company.]

CAMBRIDGEPORT, MASS., *February 28, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Allow us to protest to you against the passage of the bill (H. R. 15651) known as the eight-hour bill. Our objection to the bill is that it seeks to fix the hours in private employment and that it imposes entirely uncertain responsibilities upon contractors.

Although the bill apparently excepts from its provisions the articles in which most manufacturers are interested, that does not appear at all certain, and it seems to us that the general ground above stated is so strong against the passage of the bill that the exception can not be held to mitigate it.

Yours, respectfully,

LAMB & RITCHIE CO.,  
By H. W. LAMB, *Treasurer*.

[Lloyd Construction Company.]

DETROIT, MICH., *February 25, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: Referring to the bill (H. R. 15651) limiting the hours of daily service of laborers and mechanics, etc., we have to protest against the favorable consideration of this bill.

It can not serve a useful purpose and it contains many very serious objections. It strikes absolutely at the right of private contract.

Directly and indirectly it affects every manufacturer in the United States.

The demand for it is not backed up by the genuine sentiment of the people most concerned, viz, the actual workers.

It is an attempt to obtain through the National Congress conditions which have failed through other means because of the lack of support of the workmen themselves.

At any time that there becomes a genuine demand for an eight-hour day in any trade, let alone in the majority of trades, it will be accomplished without resorting to legislation. There is not a demand for a nine-hour day, let alone an eight.

Under such circumstances it would make it necessary for every manufacturer to elect whether he would employ his factory on United States Government work or on private work; the two systems could not be worked together in the same factory. The eight-hour day can not compete with the ten, and consequently factories working on Government work could not compete on private work.

It would increase the cost of all ordinary materials supplied to the Government.

Where the choice of hours is left to the workers themselves without outside influence, it is almost invariable that they will choose the full working day and a Saturday half-holiday, and this practice is greatly extending.

The exceptions in the proposed bill are specious, are worded to silence opposition of those who do not see its ulterior motive, and would lead to endless confusion, annoyance, and expense.

This bill is vicious class legislation, not demanded by those who will be most affected by it, and ostensibly designed to secure an end which, when there is a real demand, will be accomplished without legislation.

Yours, truly,

LLOYD CONSTRUCTION COMPANY,  
E. F. LLOYD, *President*.

[Lehnbeuter-Deichman Manufacturing Company, bank, office, and store fixtures.]

St. Louis, Mo., March 4, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: In reference to Gardner bill (H. R. 15651) we beg to enter here-with our protest against the eight-hour bill which is now before the House, and would like for you to give this protest of ours due consideration, because if this bill should pass it would be inimical to our business under the present conditions and would work to a disadvantage and loss to our business.

Thanking you in advance for the courtesy and consideration of our protest, we beg to remain,

Yours, very respectfully,

LEHNBEUTER-DEICHMAN MFG. CO.,  
Per O. E. DEICHMAN, *Treasurer*.

[Laurel Printing Company.]

St. Louis, March 3, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

HONORED SIR: Our attention has been called to H. R. 15651, and would respectfully enter a protest against same. As far as it pertains to our business, it would virtually mean our going out of existence. If this eight-hour bill passes we believe it will work a hardship on both employers and employee. The cost of labor and supplies in the last few years have been phenomenal and make it difficult for us to overcome them.

Trusting that you will enter your protest against this bill before the House Labor Committee, we are,

Yours, very truly,

LAUREL PRINTING CO.  
W. K. LARKIN.

[Loose-Wiles Cracker and Candy Company.]

KANSAS CITY, March 10, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: With reference to the so-called "Gardner eight-hour bill" (H. R. 15651), which we understand is now under consideration by your committee, we desire to present the fact that the question of hours of employment for a

laborer or mechanic is clearly a question of contract and agreement between the employee and employer, and we do not believe it is right or proper for the National Government to enact legislation limiting the number of hours for such employment.

Conditions are widely different in the various manufacturing institutions of our country, and it would be impossible to establish a reasonable and consistent basis that would be equitable for all conditions, and we are therefore opposed to any legislation that would have for its purpose the regulation of hours for employment.

It is clearly within the province of the Government to legislate that its own employees shall labor but eight hours per day, but it would be manifestly unfair to say that an individual firm or corporation engaged in a private enterprise shall be bound by any such law.

It may be possible that this bill is an endeavor on the part of some of the labor organizations to compel an eight-hour day in private employment, using the instrumentality of the Government law or contract to bring this about.

Our company employs about 1,200 persons, nearly all of whom are perfectly willing to work nine or ten hours per day, on which their wage is based, and it would be a great hardship to reduce their term of employment to eight hours per day, which would necessitate a reduction and revision of their wages.

Then another point that occurs to us is that idle labor, running about the streets, frequenting saloons and other such places, get rid of considerable money which is needed by their families for the necessities of life. It is therefore far better to keep them employed and occupied during the business portion of the day, and we therefore trust and hope that your committee may report unfavorably upon the bill.

A copy of this letter has been sent to Congressman E. C. Ellis, the Representative from this district, with the request that he too voice our protest.

Yours, very truly,

LOOSE-WILES CRACKER AND CANDY CO.  
JOHN H. WILES, *Vice-President.*

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[The Lockwood Manufacturing Company, engineers and machinists.]

EAST BOSTON, MASS., *March 20, 1908.*

HON. JOHN J. GARDNER, M. C.,  
*Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

THE LOCKWOOD MANUFACTURING CO.,  
A. H. F. FOLGER, *Manager.*

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[J. H. Long Machine Company.]

BOSTON, MASS., *March 21, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Very respectfully,

J. H. LONG MACHINE CO.,  
By J. H. LONG, *Treasurer.*

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[George Lawley & Son Corporation, steam and sailing yachts.]

SOUTH BOSTON, MASS., *March 21, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Very truly, yours,

GEO. LAWLEY & SON CORPORATION,  
By GEO. F. LAWLEY, *President.*

[Lippe's.]

ST. LOUIS, March 12, 1908.

Hon. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Hearing of the Gardner bill (eight hours a day for private employment), I shall beg leave to protest against same.

Our work is quite different from factories and other manual labor.

It would be impossible for us to get along with such a few employees and pay them the salary we do on eight hours per day.

The work is not hard and I am sure the employees do not mind the time they have to work over the eight hours if necessary, in preference to working in factories and doing manual-labor work.

I am sure if you or the House Labor Committee could see our employees sitting down for hours at a time, not doing anything but reading or chatting to each other, waiting for the busy time to come, or asking leave to come back at night and work for an hour or so extra so they can make extra pay, which they get for working overtime, you would not want this bill passed.

If the Gardner bill is passed I am sure the employee will be worse disappointed than the employers shall be.

The Gardner bill, if passed, would mean to the restaurant and hotel men to have more employees and pay less wages.

For the betterment of the employee of private employment and on behalf of the restaurants and hotels, I shall ask for the bill not to be passed.

I beg your honor to vote against it, as it will be really impossible for us to carry on our business satisfactorily to us, to the public, and the employee.

Yours, very truly,

THE LIPPE RESTAURANT CO.,  
D. LIPPE.

[A. Lucas &amp; Sons, iron work.]

PEORIA, ILL., March 6, 1908.

Hon. JOHN J. GARDNER,

*Representative in Congress, Washington, D. C.*

DEAR SIR: Referring to House bill 7564, limiting the hours of labor on Government work and providing for legal recoveries for overtime, will say this organization is opposed to such a bill being passed, for many reasons. The law should not destroy the right of a laborer to contract his labor for as many hours as he pleases; it should not destroy the right of a Government contractor to contract with laborers for more than eight hours' work per day if both parties agree. This is only an entering wedge of the labor unions for a uniform eight-hour labor law in all lines of business. Many industries can not exist if there is such a law. There are many, very many, reasons why we are opposed to this legislation, but let it suffice for us to say that this architectural iron works company, employers of labor in this city of Peoria, Ill., most earnestly requests you to make an unfavorable report on this bill.

Yours, respectfully,

A. LUCAS & SONS.  
By HUGO LUCAS,  
Secretary and Treasurer.

[A. Magnus Sons Company, hops, malt, and brewers' supplies.]

CHICAGO, February 20, 1908.

Hon. JOHN J. GARDNER,

*Chairman Subcommittee of the Committee on Labor,  
House of Representatives, Washington, D. C.*

DEAR SIR: We understand that there is now before you for consideration a bill known as the "eight-hour bill." We wish to place ourselves on record as protesting against the passage of same. We believe it unnecessary to give our



reasons in detail, as no doubt the matter has been fully argued before your committee.

Trusting that this letter may meet with your consideration, we remain

Yours, respectfully,

A. MAGNUS SONS COMPANY.  
By J. W. KASTEN.

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MINNESOTA BUILDERS' EXCHANGE.

*Resolved*, By the Minnesota State Association of Builders' Exchanges, the membership of which consists of 589 firms engaged in the building contracting business and as manufacturers of and dealers in building material in fifty cities and towns in the State of Minnesota, respectfully ask the honorable Senators and Representatives in Congress to oppose the enactment of the measure now pending before Congress of the United States known as the "eight-hour bill," or of any like measure that may be introduced.

The question of the hours of labor should, we believe, be left to those directly interested to decide.

The enactment of this class of legislation is sought only by an organization which, allowing all its claims, represents but one-tenth of the wage-earners of the United States. It is not desired by employers nor by that vast army of working men who are not subject to the orders of the organization referred to, and until such time as it is desired by at least a majority of those who would be affected, we believe that it would be unfair to favorably consider its enactment.

Legislation of this class is not in keeping with the principle of this Government. It does not belong on the statute books and would, if it were enacted, be an injustice to the 90 per cent of workingmen and practically all of the employers of the country who desire to be left free to make the most of the opportunities afforded to them in their several callings.

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[Murray & Tregurtha Company, launches and engines.]

SOUTH BOSTON, MASS., March 24, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

MURRAY & TREGURTHA CO.

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[Minneapolis Bedding Company.]

MINNEAPOLIS, MINN., March 11, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We notice there is a bill before the House of Representatives, introduced by Mr. Gardner, which is H. R. 15651, which seems to me would be very detrimental to the interests of the manufacturer as well as to the majority of the laborers.

We are personally manufacturing iron beds for the Government. While the volume of business that we have done the past year amounts to about \$50,000, we would be compelled to decline to bid for Government business if we were compelled to work our factory but eight hours, as the amount of the Government business is very small compared with our total volume. Our objections are—

First. That the most of labor had rather earn more money and work more hours.

Second. That the factory that is now doing Government business must compete in hours of labor and wages with its neighbors who are not bidding for Government business.

Third. Ninety per cent of our own men are not union men and realize that shorter hours means shorter pay in the long run.

Fourth. We are just endeavoring to get some foreign business and feel that any law shortening hours of labor will at the present time act as a great hindrance in our competition for the world's market.

Yours, very truly,

MINNEAPOLIS BEDDING COMPANY,  
C. M. WAY, *President*.

[Monongahela Tube Company.]

PITTSBURG, PA., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that a bill has been introduced recently (H. R. 15651) providing for an eight-hour law.

As manufacturers and employers of labor we wish to enter a protest against the passage of legislation of this nature, as it is our firm belief that such laws are not only inimical to employers of labor, but are equally so to the employee.

Yours, respectfully,

MONONGAHELA TUBE COMPANY,  
HUGH H. DAVIS,  
*Treasurer and General Manager.*

TRENTON, N. J., *March 9, 1908.*

HON. J. J. GARDNER,

DEAR SIR: I wish to enter my earnest protest against the eight-hour law now before your committee, for the reason that it would have the effect of closing our half-closed factories and utterly paralyze business of all kinds except the sheriff's and that of criminal lawyers.

Yours, truly,

WILLIAM MILLS,  
*Carpenter and Builder.*

[McLoughlin Brothers, publishers.]

BROOKLYN, N. Y., *February 25, 1908.*

HON. JOHN J. GARDNER,  
*Member House Committee on Labor, Washington, D. C.*

DEAR SIR: We learn with the greatest regret that H. R. 15651, providing for an eight-hour law, much like the defeated bills of last session, is being rushed to passage without adequate consideration and with but a perfunctory hearing.

We protest against the passage of this bill, or of any bill providing for a working day of eight hours.

We have had opportunity for observing the effect of a working day of eight hours, both on men and on production, and can testify from such observation that its inauguration means ruin both for employee and employer.

Moreover, have we not had enough of drastic, ill-considered, erratic laws already?

Can any lawmakers expect employers to employ help and pay wages in these times, while at the instigation of theorists, socialists, labor leaders, etc., they proceed to abuse their high offices by passing such laws as this, and by such methods?

Very truly, yours,

McLOUGHLIN BROS.

[Minneapolis Brick and Tile Company.]

MINNEAPOLIS, MINN., *April 10, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We write you as chairman of the subcommittee on labor to say that we consider that it would be a great calamity to the industries of this country should the eight-hour bill now before your committee pass.

First, the Government should never be hampered by any red-tape or class-legislation laws. In purchasing supplies of any kind it always leads to corrup-

tion. Again, we believe that the laborer should be allowed the privilege of mutually agreeing with the employer as to the hours of labor; we do not believe in the idea of allowing any union representing a class to dictate or manage the business of another class.

In closing, may we request that this protest be made part of the printed record of the hearing of the bill.

Sincerely, yours,

MINNEAPOLIS BRICK AND TILE CO.,  
IRA C. JONES, *Manager*.

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[International Association of Master House Painters and Decorators of the United States and Canada.]

MILWAUKEE, WIS., April 7, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives.*

DEAR SIR: As a representative of the International Master House Painters and Decorators' Association of the United States and Canada, I desire to protest against the passage of the eight-hour bill. I deem it inexpedient, unwise, and pernicious, and against the best interests of the manufacturers and mechanics of this country. Such a law would be extremely detrimental to the progress and efficiency of many of the departments of the Government, cumbersome and expensive in its application, causing greater taxation upon its people, and creating and compelling employers to influence and encourage the importation of undesirable immigrants to supply the demands at times, and working out a hardship when a stringency exists. Again I wish to protest in the strongest possible manner against this class legislation, and I request this communication be made part of the printed records of the case.

Yours, respectfully,

SAML. J. BROWN, *Vice-President*.

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[Employers' Association of Massachusetts.]

BOSTON, April 4, 1908.

HON. JOHN J. GARDNER, M. C.,  
*Washington, D. C.*

SIR: I have the honor to inclose herewith the objections to H. R. 15651 of the Employers' Association of Massachusetts, comprising some 5,000 manufacturers, and other employers of labor, citizens of this Commonwealth, all either active members or allied with it for purposes of mutual interests in their individual activities.

The objections given ought to receive the consideration of the committee of which you are chairman, and I have no doubt it will.

The executive committee of this association respectfully request that the objections be made a part of the record and printed in the report of your committee.

I have the honor to be,

Yours, respectfully,

ALBION B. PEASE, *Secretary*.

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Bill H. R. 15651.—A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory, or for the District of Columbia, and for other purposes.

This bill embodies many novelties not heretofore to be found in the Congressional eight-hour legislation, and is far more drastic in its terms than acts of 1892, chapter 352, and the prior enactment of Revised Statutes, section 3738.

1. The most striking novelty consists in providing a penalty to be made a part of each contract, which is to be withheld by the officers of the Government when any violation of the eight-hour law, either by the contractor or subcontractor, is reported.

The contractor who is aggrieved by this withholding must then himself institute proceedings before the departmental head, with a right of appeal to the Court of Claims, and all this is to be in addition to the criminal penalties pro-

vided by acts of 1892, chapter 352, section 2, which is not repealed by the proposed bill. Moreover, this penalty is to be visited upon the contractor irrespective of intentional wrongdoing on his part, and he is thus virtually made an insurer of the conduct of his subcontractors and laborers.

The act of 1892 visits the criminal penalty only upon the individual who intentionally violates the statute, but his proposed measure penalizes the innocent contractor for the act of a subcontractor if the latter, unknown to his principal, even permits a zealous employee to work for more than eight hours.

Perhaps the harshest feature of the bill lies in the fact that the executive officers of the Government are turned thereby into quasi-judicial functionaries, whose decision is *prima facie* binding and the burden of seeking relief from an incorrect determination of the questions involved by a departmental agent is placed upon the unfortunate contractor. Under the acts of 1892 it becomes the duty of the prosecuting officers to proceed against a contractor in the criminal courts by the ordinary forms of law, but, in addition to that, this bill makes it compulsory upon the person who has the duty of approving the payments of money under the contract to collect the nominated penalty by withholding the amount thereof. This is to be done *ex parte*, without any opportunity for the contractor to be heard, and the officer is absolutely without discretion in the matter. Upon the coming in of the report of a violation of the law he is required to collect the penalty by withholding the amount. After that an innocent contractor must set in motion a complicated and expensive procedure for collecting the sum so withheld.

The bill is dealing with what is, by virtue of acts of 1892, chapter 35, a criminal offense. It is merely creating a new and additional penalty for an existing crime, and yet by its terms it reverses all known principles of our criminal jurisprudence, for it provides in effect that the contractor shall be presumed guilty until he has proved himself innocent and that the burden shall be upon the person accused to establish his rectitude.

"Any officer or person designated as inspector \* \* \* shall, upon observation or investigation, forthwith report to the proper officer of the United States \* \* \* all violation of the provisions of this act \* \* \* and the amount of the penalties imposed according to the stipulation in such contract shall be directed to be withheld by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation \* \* \* is by the contractor or subcontractor."—H. R. 15651, p. 2, lines 5 to 22.

In other words, first fine the contractor and afterwards find out if he is innocent. Truly a new exposition of the maxim "Shoot first and ask questions afterwards," or, rather, it may be described as a reversion of what was known in the fifteenth century as "Devon law," whereby in savage parts of England a criminal might be hanged without a hearing and an elaborate mockery of a ceremony instituted after the death to try out the facts in issue.

A proposition that we place in the hands of executive departmental officials the power to enforce criminal or quasi criminal penalties of their own volition without the semblance of a hearing is a novelty in American jurisprudence. The penalties which may be imposed by acts of 1892, chapter 352, are severe. To subject contractors to further punishment of the drastic character proposed by this bill, and in addition to make them liable not only for their own intentional misconduct as heretofore, but as insurers for the actions of others, and to cause them to suffer vicariously, is to place too heavy a burden upon a single class of citizens in our community.

2. Another novelty in the proposed bill is to be seen in this: That prior legislation along these lines has limited the class amenable to similar penalties to those engaged upon "public works" of the United States, while the new measure contains no such limitation, but makes all persons having contracts of any sort with the Government whose performance involves the use of laborers or mechanics liable to these punitive enactments. (See *United States v. Ollinger*, 55 Fed. Rep., 959.)

3. The extension of the punitive provisions of this class of legislation to all contracts made to or on behalf of the Territories may well be a source of great hardship to many citizens. Conditions of employment and industry are so diverse in the various outlying Territories of our nation that it can scarcely be wise for Congress to lay down a hard and fast rule as to the hours of labor which may be made therein.

[Mankato Sidewalk Company.]

MANKATO, MINN., April 13, 1908.

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: As an employer of labor and contractor is a small way and as a soldier, citizen, and voter, allow me to enter my protest to yourself and to the committee of Congressmen having in charge the eight-hour bill. I am opposed to making eight hours the length of a day's work. I am opposed to the Government requiring of contractors doing Government work that they be required to limit their working day for their help to eight hours. Such a law will, in my opinion, cost the Government many dollars and do the laborer no good.

I request that this, my humble protest, be made a part of the printed records of your hearings on this bill.

Sincerely, yours,

E. D. WILMOT.

[William E. Minor, M. D.]

KANSAS CITY, Mo., February 21, 1908.

HON. JOHN J. GARDNER, M. C., *Washington, D. C.*

MY DEAR MR. GARDNER: My attention has been called to a bill limiting the hours of daily labor in the United States, etc., with which bill you are quite familiar, and I am taking the liberty of writing you, earnestly hoping that this bill will not be favorably reported by your committee.

I have thoroughly digested the contents of the same, and many of our good citizens have done likewise, and in writing you my sentiments I am expressing the sentiments of these gentlemen, believing that it is for the best interest of our Government that this bill be defeated.

Hoping that our views will meet your favorable consideration, and thanking you for any consideration, I beg to remain,

Very sincerely, yours,

W. E. MINOR.

[McIntosh, Seymour & Co., steam engines.]

AUBURN, N. Y., February 19, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee,*

*House of Representatives, Washington, D. C.*

DEAR SIR: We hope you will oppose the eight-hour bill which is now before Congress, as special legislation, it seems to us, is too plentiful now. It seems to us radically wrong that any law should be passed that cuts off any man from working as many hours as he sees fit. Any such bill as that if passed would shut us off from dealing with the Government.

It seems to us radically wrong as a general principle in the United States that the capitalist and the small property holder, like the farmer and others, has the privilege of working as many hours as he wants to, but the laboring man, who needs to work the most hours, if there is any difference at all, is to be limited to only eight.

Yours, truly,

MCINTOSH, SEYMOUR & Co.

[Modern Steel Structural Company.]

WAUKESHA, WIS., February 22, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee,*

*Capitol Building, Washington, D. C.*

DEAR SIR: We have just learned that there is before your committee a proposed bill providing in substance that Government work be done under an eight-hour labor rule.

It is certainly our hope that you can appreciate the inadvisability of any such bill as this in connection with structural material for buildings, bridges, electric cranes, or anything of that sort that might be required in our line.

We want to bid on this kind of work and believe that the Government wants us to. It would be practically impossible for us to do so if we were required to permit our men to work only eight hours per day on such work. It would be almost a physical impossibility to keep such work separate in our shop and would result in our having to decline to enter into competition for this kind of work. We call your attention to this and hope that you may see the unreasonable demands of the bill in question, and we respectfully solicit your effort in turning it down.

Yours, truly,

MODERN STEEL STRUCTURAL CO.,  
By R. H. SIMPSON.

[Morton Manufacturing Company.]

MUSKEGON HEIGHTS, MICH., *February 21, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: My attention has been called to your eight-hour bill (H. R. 15651), a bill to restrict the number of hours which an employer may be permitted to work on a Government contract.

I take pleasure in saying that the company with which I am associated has filled quite a number of contracts for special machinery to the United States Government, and we anticipate a number of additional orders in the near future. Our works are operated on a ten-hour basis—that is, with the exception of Saturdays, when one week we shut down at 4.30 and each alternating week we shut down at 12 o'clock noon. As I understand the contents of this bill, should we secure an order for machinery for the United States Government we could not employ any of our mechanics on this contract more than eight consecutive hours in each twenty-four; in other words, the mechanics who are working on this contract, after working eight hours, we would have to order them to go home or shift them onto other work in some way as best we could. We think with a little consideration that you will understand the amount of confusion and expense a bill of this kind would make, if once it becomes a law, in any institution that is fortunate in securing an occasional order for the United States Government for special machinery, and the loss and confusion to the workmen would offset any gain which they might attain thereby should the Government restrict the number of hours that a man may work in the manner indicated by this bill.

I sincerely hope that you will give the points brought out your careful consideration.

Yours, very truly,

WM. ROWAN, JR.

[Monitor Drill Company.]

MINNEAPOLIS, MINN., *February 20, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

MY DEAR SIR: We understand that there is an eight-hour bill before Congress. While not as drastic as the last one, still a bill affecting the rights of American citizens to contract their time and at the same time limiting the rights of other American citizens of purchasing such time. While we are not certain that it would be unconstitutional, we believe it to be un-American and starting a very, very bad line of legislation, and we sincerely trust that there will be no legislation of any kind along this line.

Very truly, yours,

MONITOR DRILL COMPANY,  
By E. R. BEEMAN, *Vice-President.*

[The Monarch Brass Company.]

CLEVELAND, OHIO, *February 22, 1908.*

MR. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We beg leave to protest against the passage of the eight-hour bill which is now under consideration by your committee, for the passage of this bill would surely cause a great hardship to those who are furnishing material to the Government, and will cer-

other concerns who are furnishing supplies, etc., which enter into material to be furnished to the Government.

We think that the enactment of such bill will ultimately be the cause of great embarrassment to all manufacturers in general.

Hoping that you will give this your favorable consideration, we beg to remain,  
Yours, truly,

THE MONARCH BRASS CO.,  
A. S. DEUTSCH, *Treasurer.*

[The Meridian Life and Trust Company of Indiana.]

INDIANAPOLIS, IND., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: It has just come to my knowledge that a new eight-hour bill, known as H. R. 15651, has been introduced by you and that a hearing is to be had immediately by a subcommittee of the House Committee on Labor.

As an employer of labor during a period of nearly thirty years, and largely interested in the employment of mechanical labor at present, I wish to most earnestly object and protest against the passage of any general eight-hour labor law. I should be glad to appear before the subcommittee in opposition to such legislation, but having recently returned from Washington, I am unable to be there at this time. It is my opinion, however, which I will take this opportunity to express to you as chairman of that committee, that the present burdens of the manufacturing interests of the country and employers in general are quite sufficient without adding the further burden of an eight-hour law, thereby reducing the value and productive capacity of manufacturing plants from 10 to 20 per cent. And I would further suggest for your consideration that when the country is able and ready to accept eight hours for a day's labor it will not be necessary to accomplish the change by any arbitrary legislation. The tendency to shorten the hours of labor is manifest throughout the country, and we are moving in that direction with sufficient rapidity for the general good of the country. I beg to remain,

Respectfully, yours,

ARTHUR JORDAN.

[The Michigan Stove Company.]

DETROIT, MICH., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

MY DEAR SIR: I call your attention to your eight-hour bill, H. R. 15651, which I understand is identical with the McComas and Hitt bills, presented in the Fifty-seventh and Fifty-eighth Congresses. I know of these, as I appeared before the committee, giving my reasons for opposing an eight-hour law. They are these:

A manufacturer will be greatly interfered with in the cost of his production with an eight-hour law, as it means a difference of 20 per cent and a tendency to decrease the cost by reducing wages. I am one who believes in employees getting good wages. I know our present costs would not stand this difference of 20 per cent, which would be the effect of an eight-hour law versus ten hour.

I think a compromise should be made, which would be more agreeable to the labor interests, and I believe they would consent to it, although I know they are very strong for the eight-hour law, by having a nine-hour law. This would be dividing the difference. I hope this may be taken into consideration and this compromise effected.

A half loaf is better than none, and this might lead later to a further reduction of hours, but I do not think the time is opportune now for such a radical change as reducing the hours of labor 20 per cent.

I trust you will give this letter consideration and that it may meet with your approval.

I am writing our Members in Congress asking them to give consideration to this question along the lines I have written you.

Respectfully, yours,

GEORGE H. BARBOUR,  
*First Vice-President and General Manager.*

[Mead-Morrison Manufacturing Company, hoisting engines.]

CAMBRIDGE, MASS., *March 21, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country and we urge you to vote against it. The prosperity of the laboring man depends upon the prosperity of the manufacturer.

Yours, truly,

MEAD-MORRISON MFG. CO.,

[Munson Brothers Company, flour, corn, and feed mill machinery.]

UTICA, N. Y., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We wish to enter our protest against the eight-hour bill, which is to have a hearing at once. The manufacturing interests are having it hard enough just now without additional burdens.

Yours, truly,

MUNSON BROS. CO.,  
E. L. MUNSON.

[Michigan Bolt and Nut Works.]

DETROIT, MICH., *March 2, 1908.*

HON. EDWIN DENBY, *Washington, D. C.*

DEAR SIR: A great many of the manufacturers of the United States are somewhat disturbed over the persistency with which the labor unions are trying to get the United States Government to establish an eight-hour day in the hope that it may eventuate in compelling manufacturers everywhere throughout the United States to adopt a similar day.

The country is far from ripe for a movement of this kind, and the immediate results, if the law was adopted, would simply be to force the United States Government to do its own work or throw it in the hands of a few manufacturers who would be willing to do that kind of work exclusively. The inevitable result would be that the Government would pay very much higher prices for all of its products.

Nobody is urging this movement but labor unions through their headquarters. They are not doing it from any philanthropic motives, but for purely selfish ones, because they believe they will get as much money for less work or more money for the same work. In other words, they are trying to get the Government to give their assistance in boosting their wages.

We beg to submit that this would be class legislation, pure and simple, and we do not know whether the so-called Gardner bill will escape from committee and appear on the floor of the House or not; but if it does, we trust you will use every effort to see that it is promptly sent to the hospital or the cemetery.

We have the honor to remain,

Yours, very respectfully,

MICHIGAN BOLT AND NUT WORKS,  
E. T. GILBERT, *Treasurer.*

[The J. L. Mott Iron Works.]

NEW YORK, *February 21, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to enter our protest against the eight-hour bill, H. R. 15651, inasmuch as it is an improper and injudicious measure.

Respectfully,

THE J. L. MOTT IRON WORKS,  
MAX GOEBEL, *Secretary.*



[Moran & Hastings Manufacturing Company, gas, electric, and combination fixtures.]

CHICAGO, February 20, 1908.

J. J. GARDNER, M. C.,  
House of Representatives, Washington, D. C.

DEAR SIR: We note that you are a member of the House Labor Committee, and in this connection we wish to urge you as strongly as possible against the passage of House bill No. 15651, entitled "Gardner eight-hour bill." We feel that this will be a very serious embarrassment to all business industries of this country. Thousands of plants whose products are intended partly or wholly for the Government will be put out of business. We could not bid on Government work.

We consider it would be legislating hours of labor into private enterprises which can not be properly governed by any such means.

At this time, when all manufacturers are doing their very best to keep employed the men that they now have, any such bill would most seriously embarrass, financially and otherwise, their business, and we particularly urge you to vote against this bill.

Very truly, yours,

MORAN & HASTINGS MFG. CO.,  
Per F. HORTON.

[Milwaukee Brass Manufacturing Company.]

MILWAUKEE, February 21, 1908.

Mr. JOHN J. GARDNER,  
Chairman Subcommittee of the Committee on Labor,  
Washington, D. C.

DEAR SIR: Understanding that the Gardner eight-hour bill is before your honorable body for consideration and a hearing, we beg to earnestly protest against your reporting same favorably to Committee on Labor, and respectfully request that you do all you can to counteract legislation of this nature.

Yours, very respectfully,

MILWAUKEE BRASS MFG. CO.,  
HENRY O. VAN EWYCK, Secretary.

[Murphy Iron Works.]

DETROIT, MICH., February 21, 1908.

HON. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: Our attention has been called by the daily papers to the Gardner eight-hour bill, and we wish to add our emphatic protest to such a piece of legislation.

It is not wanton opposition to anything that would benefit the laboring man that dictates the present attitude of employers toward the eight-hour work day. If a proportionate increase in efficiency could be assured or even reasonably expected, the employers of this country, in our opinion, would welcome an eight-hour day. The whole tendency of organized labor is not to increase the efficiency of the individual laborer, but rather to reduce to a minimum the daily output in order that there may be "more work to go around." The result is that this constantly decreasing, or at best stationary, efficiency combined with the reduction in the hours of labor, so enhance the cost of production that the purchasing power of the wages of labor suffer a very large reduction, and we have one very important factor of the increase in the cost of living.

To restrict all Government contractors to the eight-hour day must of necessity deter many persons from bidding, for the reason that it is impossible to run a manufacturing plant on one time standard for one job and another for all other jobs. As a result the Government must pay for more and receive in return inferior commodities and service.

Another important consideration arguing strongly against such legislation is to be found just now in industrial conditions. This is no time to agitate questions which have a tendency to still further affect adversely the employment of labor and the markets.

We sincerely hope that your committee will report adversely on the eight-hour bill.

Very truly, yours,

CHESTER M. CULVER.

[Murphy Chair Company.]

DETROIT, MICH., *March 2, 1908.*

HON. EDWIN DENBY,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to House bill 15651, introduced by Mr. Gardner, of New Jersey, and referred to Committee on Labor. We have given this subject considerable thought, and it is our judgment that if such a bill should become law that the manufacturers of this country would suffer seriously. We feel that it is to our interest that the bill should be defeated, and would ask you to oppose it if you can consistently do so.

Any service that you can render in that direction will be very greatly appreciated by

Yours, very truly,

MURPHY CHAIR COMPANY,  
 M. J. MURPHY, *President.*

[McCoy-Rodgers Jewelry Company.]

ST. LOUIS, MO., *February 26, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I wish to respectfully register a protest against the passage of that eight-hour bill (H. R. 15651) now before Congress. In the last four or five years there have not been enough men to do the work of this country, and if you cut down their working time you make this condition worse.

I have to work more than nine hours every day, so most every man in business for himself, and any man who sells his labor by the day should be willing to give, for a living, at least nine hours out of the twenty-four.

Men do not average more than nine hours at sleep, and six hours a day in idleness ought to be enough for any man.

Yours, truly,

J. C. MCCOY.

[The Robert Mitchell Furniture Company.]

CINCINNATI, *March 4, 1908.*

HON. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We note that you have under consideration the Gardner eight-hour bill (H. R. 15651).

We wish to enter a protest against this bill, deeming it very injurious, if not fatal to our business. You can readily see that cutting down the hours of labor and fixing them to eight hours would minimize our capacity. It would make it impossible for us to take short-time contracts and would cause us heavy losses caused by delay on contracts with a penalty clause.

These are but a few of the many reasons for our objection to this bill and we trust you will give this matter the careful investigation which it deserves, and not allow same to be passed, as it will be fatal to the best interests of all manufacturers.

Yours, very truly,

THE ROBERT MITCHELL FURNITURE CO.,  
 Per W. L. MITCHELL.

[Mahoning Lamp Factory.]

WARREN, OHIO, *March 2, 1908.*

HON. JOHN J. GARDNER,  
*Chairman of House Labor Committee, Washington, D. C.*

DEAR SIR: We are very much concerned regarding H. R. 15651, pertaining to the eight-hour feature.

If this bill should pass and become a law, it would work a hardship on the incandescent-lamp manufacturers which we believe our friends in Washington are at present unable to comprehend.

We trust that you will consider the manufacturer in this work, as well as the laboring man.

We shall look forward with considerable anxiety until we know that this bill has not passed.

We trust we may depend upon you to be our friend in this matter.

Yours, respectfully,

MAHONING LAMP WORKS,  
GLENN C. WEBSTER, *Manager*.

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[Missouri Malleable Iron Company.]

EAST ST. LOUIS, ILL., *February 26, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,*  
*House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to bill H. R. 15651, introduced by you, which, as we understand, is a bill which proposes to establish the eight-hour day in practically all lines of industry.

We wish to take this opportunity of voicing our protest against such a measure. In our particular line, the manufacture of malleable-iron castings, it would entail a considerable hardship, as it would make the working hours for molding entirely too short. The molder is forced to consume a certain amount of time in preparing his sand, getting ready to pour off his castings, pouring them off, and other operations, which consume about two hours' time per day, irrespective of the number of molds he puts up. With the usual ten-hour day, this cuts his actual time during which he works at his trade down to eight hours, and if the eight-hour law is enforced it would cut the time down to six hours, and of course result in a material increase in cost of production of our product. Then, on general lines, we are opposed to a movement of this kind, as the problem in this country, under normal conditions, is to secure enough labor to perform the work waiting to be performed, and except during times of depression, such as the present, there is a job waiting for every man who honestly desires work.

We trust, therefore, that you can see your way clear not to urge the passage of the bill.

Yours, respectfully,

MISSOURI MALLEABLE IRON CO.,  
F. E. NULSEN, *President and General Manager*.

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[W. B. Mershon & Co., band sawing machinery.]

SAGINAW, MICH., *February 25, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We respectfully protest against the passage of the eight-hour law. It would tend to strengthen the grip of the labor unions on the manufacturing industries of our country and would also give further advantage to this union of laboring men and their efforts to intimidate, coerce, and injure the large majority of nonunion labor.

We are not in sympathy with this union-labor measure.

Yours, respectfully,

W. B. MERSHON & Co.,  
W. B. MERSHON, *Vice-President*.

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[The McMyler Manufacturing Company.]

CLEVELAND, OHIO, *February 27, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We note that you have introduced before the House of Representatives House bill No. 15651, limiting the hours of labor to eight hours on all Government work of every kind and description.

We desire to register with you a most decided and emphatic objection to the passage of this bill.

We can not understand how the majority of the manufacturers and contractors will be able to do Government work at all, or even figure on same if this bill should be allowed to become a law. It would certainly be impossible for the average manufacturer to operate his plant eight hours per day on Government work and nine hours per day on any other work that he might have on hand. The objections to this bill certainly must be apparent to you, representing as you do a manufacturing district, and we certainly trust that you will do everything that you can to defeat it.

If the great number of sensational bills opposed to the business interests of this country that are now pending before Congress and the various State assemblies shall become laws, we do not see how the result can be otherwise than that the majority of manufacturers will be compelled to close their factories, as some of the conditions that the labor unions are trying to impose on business interests are absolutely prohibitive. It seems to us that the representatives of the people in Congress should recognize the fact that the men who by their industry and ability have built up our manufacturing interests and made the United States what it is to-day are entitled to some consideration also, at least as much consideration as the irresponsible walking delegates and other representatives of irresponsible organizations who are at the present time so persistent in urging the enactment of pernicious legislation.

Very truly, yours,

THE McMYLER MANUFACTURING COMPANY,  
Per H. H. HAMMOND.

[The McConway and Torley Company, malleable and steel castings.]

PITTSBURG, PA., *February 29, 1908.*

HON. JAMES FRANCIS BURKE, M. C.,  
*Washington, D. C.*

DEAR SIR: We understand that the fight for an eight-hour bill has again been taken up, and the H. R. 15651, introduced by Mr. Gardner, is practically a renewal of the measures of the McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses.

We believe that you are fully alive to the fact that any such legislation would be extremely harmful and distasteful to the manufacturing interests of this locality, and we are confident that you will do everything that lies in your power to defeat any favorable consideration of this measure. We believe that any legislation along this line is pernicious and contrary to the spirit of the Constitution; that every man should be free to elect how many hours he will work (if he is fortunate enough to have any work to do); that it would be just as logical to legislate on what and how much he should eat or what portion of time he should devote to amusement as to limit how many hours he should labor for the benefit of himself and family.

Thanking you in advance for your good services in combatting such a fallacious doctrine, we are,

Yours, truly,

THE McCONWAY & TORLEY Co.,  
STEPHEN C. MASON, *Secretary.*

[The Milburn Wagon Company.]

TOLEDO, OHIO, *February 29, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We understand that House bill 15651 is now before the House Labor Committee. This bill specifies for eight-hour-a-day work in all cases on Government supplies, and we want to register a complaint against the passage of this bill.

There is hardly a week but what we get requests from the Government for prices on wagons of some kind for some department, and if this bill is passed it would mean that we would have to discontinue furnishing the Government with any more of their supplies in our line. We think this is true with every wagon factory in the United States.

Unfortunately wagon factories can not be run satisfactorily during the night, and it is necessary that all work be done in the daytime. During busy times eight hours a day is not a satisfactory day's run. It is almost necessary in this line of business to run factories during busy times ten hours a day, and while the passage of this bill would work some hardship on us, inasmuch as we would have to discontinue bidding on Government specifications, it would work a much greater hardship upon the Government, because there is no wagon factory in the United States that could handle the vehicle business of the Government, because they all run ten hours.

We believe the passage of this bill would be a great mistake, and would cost the Government a great deal of money.

Yours, very truly,

THE MILBURN WAGON Co.,  
H. W. SUYDAM, *Secretary*.

[Morris Machine Works.]

BALDWINVILLE, N. Y., *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,*  
*Washington, D. C.*

DEAR SIR: We desire to enter our protest against the passage of your eight-hour bill (H. R. 15651).

It is needless for us to enter into a discussion of this bill or give any reasons for our objections to it, which are apparent.

We desire to put ourselves upon record as decidedly opposed to it. We trust that you will vote against it when same comes up in the House.

Yours, truly,

MORRIS MACHINE WORKS,  
R. C. SCOTT, *Secretary*.

[Merritt & Co.]

CAMDEN, N. J., *February 27, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: At our Camden (N. J.) plant we employ several hundred men in the manufacture of steel specialties, such as lockers, shelving, etc., and furnish a considerable quantity of these goods to various branches of the United States Government. Our plant regularly operates on a basis of fifty-four hours per week, and if an eight-hour bill is enacted by Congress it will result in our enforcing a large increase in price or in our giving up entirely the doing of Government work. The question is not by any means a simple one, as some of the advocates of the eight-hour day would have it appear, for the component parts of most of our goods are made up in large quantities and are then taken from the storeroom to be assembled in the finished articles as occasion may require. To make these parts in small quantities, working only eight hours a day on Government contracts, would be almost out of the question, and we feel that an eight-hour law would not only work a great hardship on every manufacturer who supplies goods to the United States Government, but would result in the latter having to pay prices so much higher as to be out of all proportion to the benefits which would accrue to a small body of working people at the expense of the entire nation.

Will you be good enough to register our emphatic protest against the passage of the eight-hour bill now pending?

Yours, truly,

MERRITT & Co.,  
JAS. S. MERRITT, *President*.

[Modern Heating Company.]

ST. LOUIS, MO., *February 27, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

SIR: We understand that Gardner bill, H. R. 15651, the object of which is to enact a general eight-hour per day labor law, is shortly to come before Congress for consideration.

We write to protest against this proposed legislation, and sincerely hope it will not have your sanction or approval. It is obviously a measure devised by the unionized labor element of the country to further their own interests at the expense of the employing class, whom they seek to control to an extent that is beyond endurance. We regard this proposed law as undemocratic and un-American, inasmuch as it seeks to place in irresponsible hands a large measure of the private interests of business men. We consider it an indisputable right, conferred on us by the constitutional laws of our country, to regulate our business as we see fit, so long as we do not encroach on the same rights of others. This right extends to our relations with those whom we may employ, and therefore we feel that our rights as American citizens would be unwarrantably interfered with by any such legislation as is proposed by Gardner bill, H. R. 15651, in question.

We therefore urge upon you that you vote against this bill, embodying as it does undeniable features of class legislation which should be opposed by all fair-minded men, especially those in the responsible and honorable position occupied by you.

Yours, very respectfully,

MODERN HEATING Co.,  
J. J. COLLINS, President.

[Majestic Manufacturing Company, malleable and charcoal iron ranges.]

St. Louis, March 3, 1908.

HON. JOHN J. GARDNER,  
Washington, D. C.

DEAR SIR: My attention has been called to House bill 15651, affecting the relations of employer and laborer, and we sincerely hope this bill may be defeated.

It would seem on the face of it to be unconstitutional in the judgment of almost any lawyer. It is a dangerous bill and would certainly bring more trouble than almost anything that had been submitted to your committee for years.

We hope you will do your best to defeat it.

Yours, truly,

R. H. STOCKTON.

[The Macey Company.]

MARCH 14, 1908.

CHAIRMAN OF LABOR COMMITTEE,  
House of Representatives, Washington, D. C.

SIR: We are advised that your committee is now considering labor legislation, and especially the eight-hour question.

We employ large forces of labor, both sexes. We are not opposed to unions as such, and we have never had strikes or labor troubles of any kind, but we are opposed to an eight-hour law, because we believe it would be an economic fallacy so long as other industrial nations with whom we are in competition do not observe like or similar practices. Such legislation would, in our opinion, retard the development of export trade, and compel the adoption of still higher tariff rates to protect our home markets against foreign competition.

We also believe that such legislation would not prove beneficial to labor, because its effects tend toward higher costs, restricted markets, and restricted opportunities for the employment of labor.

We firmly believe that all such class legislation should be avoided. Our ultimate rank as an industrial people will depend upon our efficiency as a whole, and the efficiency of labor in particular. It is a notable fact that labor efficiency has been decreasing in proportion as labor legislation has been increasing. Industries dependent upon efficient labor are being driven to desperation, and meet with difficulty in obtaining capital because the attitude of labor agitators is inconsistent, selfish, and at variance with every known economic law.

Yours, very truly,

THE MACEY COMPANY,  
By O. H. L. WERNICKE, President.

[The McRae & Roberts Company, brass goods.]

DETROIT, March 3, 1908.

HON. JOHN J. GARDNER,  
Chairman House Committee on Labor, Washington, D. C.

DEAR SIR: We desire to write a protest against a bill which is under bill H. R. 15651.

We have looked over the subject of this bill, and as we are not in favor of the eight-hour system, either with the parties employed by the United States or in our factory and business places, we desire to have you see to it that this bill is not reported out of the committee.

We remain, yours, very truly,

THE McRAE & ROBERTS CO.,  
H. B. ANTHONY, Secretary and Treasurer.

[J. S. Mundy, holsting, mining, and mud dredging engines.]

NEWARK, N. J., March 20, 1908.

HON. JOHN J. GARDNER, Washington, D. C.

MY DEAR SIR: I see by the papers that there are several labor bills up before Congress asking for laws to be passed in the interest of organized labor to legalize some of their methods that is nothing much short of anarchy, to drive manufacturers and others out of business and ruin the business interests of the country. This they have been trying to do with me since the 10th day of last May, when there was a strike declared against my works along the lines of unreasonable demands that I could not allow, since which time the International Association of Machinists have had my works picketed to try and prevent anyone from getting employment, have assaulted and beaten my employees, and have tried in every way possible in their power to get trades unions of other lines of work to boycott my machinery, and in fact, have done everything to ruin my business and put me out. I have practically got them whipped out and can not and will not concede to their unreasonable demands, if I am compelled to close my works.

Therefore, I would urge you to be very careful how you vote in favor of any labor organization bill or any employees' liability bill, as this is something that never should exist. I have had men in my employ that have deliberately without any cause whatever, injured themselves and then turned around and wanted me to pay them damages. One man deliberately put his foot under a roller; another knocked down a small measuring stick one-half inch thick by 1½ inches wide and about 5 feet long from a side wall, and when the end struck a bench and this little stick fell over on him, he took off his derby hat and scratched his scalp with his finger nails until some blood showed, and said, "Begorry, I am hurted," and deliberately walked out and brought a suit for damages. I was blowing the condensed water out of a boiler one day, when a man walking along the sidewalk deliberately walked through it and then said he was scalded and went off and brought a suit for damages. So, you see the danger that we are up against by these people who deliberately injure themselves, as the majority of the trolley-car cases are where men and women both throw themselves from the cars on purpose and claim injury to get damages. Twenty-five years ago such a thing was almost unheard of; at the present day it is of hourly occurrence and there are many lawyers who make their living by this kind of blood money that are known as ambulance chasers, and wherever there is a party injured, you will sometimes see three or four of them chasing the ambulance to get the case for damages.

I beg of you, vote against any bill and every bill that may be up along the lines of these treacherous, outrageous, anarchistic legislation that is now up before the National Congress along these lines, to drive the industry of the country to the wall.

Yours, respectfully,

J. S. MUNDY.

P. S.—The strike against my works is still on, and pickets still on duty.

[Mankato Lime, Stone, and Fuel Company.]

MANKATO, MINN., March 20, 1908.

CHAIRMAN OF THE COMMITTEE ON LABOR,  
Washington, D. C.:

In regard to bill H. R. 15651, introduced in Congress by Representative Gardner, would say I would be ever so much pleased to have the proper Con-

gressmen work against this bill, as I feel that it will be a great harm to the country at large, and should be left down, as little of the eight-hour system as is now in force is a great harm to all concerned.

Yours truly,

A. BASHAW.

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[Minneapolis Electric and Construction Company.]

MINNEAPOLIS, MINN., March 20, 1908.

HON. JOHN J. GARDNER, M. C.,

*Member of Committee on Labor, Washington, D. C.*

DEAR SIR: Our attention has been called to H. R. 15651, a bill limiting the hours of daily service of laborers and mechanics employed on Government work, now pending in Congress.

After carefully reading the bill we are forced to the conclusion that this is an inopportune time for the introduction and passing of measures like the bill referred to. We do not find merit enough in the bill to entitle it to a place on the statute books, but we believe its passage would only tend to widen the breach between employer and employee, prevent the advancement of skilled labor, and increase cost of production.

It is unfortunate that labor leaders have directed their organizations in ways that subvert the laws of right and justice, and we think there should be a stay in legislation outlined by them until such organizations can abide by the laws we now have. We believe a skilled laborer should always have the opportunity to make the most of his attainments and should be individually free to make such contracts as he deems best for his employment.

We think the best interests of the country would be subserved if the bill referred to was not reported favorably.

Trusting that expressions from the people on any public question are always acceptable, we remain,

Very respectfully, yours,

MINNEAPOLIS ELECTRIC AND CONSTRUCTION CO.,  
By W. C. THOMPSON.

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[Moore & Wyman Elevator and Machine Works.]

BOSTON, March 23, 1908.

HON. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee if passed will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Respectfully, yours,

MOORE & WYMAN ELEVATOR AND MACHINE WORKS,  
J. W. MOORE, *President*.

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[J. M. Marston & Co., machinery.]

BOSTON, MASS., March 23, 1908.

HON. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

J. M. MARSTON & Co.



[Geo. T. McLaughlin Company, elevators.]

BOSTON, MASS., March 21, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

GEO. T. MCLAUTHLIN Co.,  
By W. C. STRONG, *Secretary*.

[Telegram.]

PHILADELPHIA, PA., February 18, 1908.

JOHN J. GARDNER,  
*House Committee on Labor, Washington, D. C.:*

Please record our protest against the eight-hour bill now pending.

MERRITT & Co.

[Telegram.]

KANSAS CITY, MO., February 24, 1908.

JOHN J. GARDNER,  
*Chairman House Labor Committee,  
Capitol Building, Washington, D. C.:*

We protest against the adoption of eight-hour bill, applying to Government work, now being considered by your committee. This, if passed, will put great hardship on contractors and manufacturers.

THE MIDLAND BRIDGE CO.

[Mackintosh, Hemphill & Co., Fort Pitt Foundry.]

PITTSBURG, PA., February 17, 1908.

HON. JAMES FRANCIS BURKE, M. C.,  
*Washington, D. C.*

DEAR SIR: We wish to say that we are very much opposed to the eight-hour bill to be reported by Hon. John J. Gardner, of the Atlantic City district, New Jersey. If this bill should become a law, it would certainly affect very seriously manufacturers not only of this district, but all over the country.

You, being a resident of this district, know the number of mills and various manufacturing plants around here, and you can readily see the disastrous effect such an act would have upon this community, and we trust that you will do all in your power to prevent this bill from being reported.

Yours, very truly,

MACKINTOSH, HEMPHILL & Co.  
WM. M. WESTERMAN, *Secretary*.

[N. O. Nelson Manufacturing Company, bath tubs, soil pipes, brass goods.]

ST. LOUIS, MO., March 17, 1908.

TO THE COMMITTEE ON LABOR,  
*United States House of Representatives, Washington, D. C.*

DEAR SIR: In lieu of appearing before your committee in the matter of the Gardner bill, permit me to submit my statement herein.

I am president of the N. O. Nelson Manufacturing Company, of St. Louis, employing about 700 men in making goods more or less of which we furnish for United States Government buildings. I am also delegated by an association of manufacturers and wholesalers of similar goods to represent their views before your committee.

I think the bill is ambiguous. It is not clear whether the term subcontractor includes those supplying material to the contractor or subcontractor, but it is so

implied by the exemptions on page 3 of the printed bill. Under this construction it would be unprofitable for a large majority of manufacturers now supplying material and the Government be left dependent on a few. The greater portion of merchandise and material furnished the Government and its contractors is made in factories which could not give up the much larger portion made for the general market. No factory could operate eight hours on the Government portion and a longer day on the rest. No factory running eight hours could compete in the public market against nine or ten hour factories. They must have the same working hours for all men and all work. They would have to do all Government work or none.

The law is especially objectionable as being in purpose and effect legislation in behalf of a small class at the expense of a many times larger class. It applies directly only to the organized trades and indirectly to a few men of the unorganized. Speaking broadly, one-tenth of American labor is organized, say 2,200,000 out of 25,000,000. This fraction have, by their "autonomous" and federation policy, pushed their own wages up to two, three, and four times the rate of the other nine-tenths. Their cost of living is based on the average wage. Their income is several times the average. The cost of living of the nine-tenths is increased by the high wages and short hours of the one-tenth. To enlarge this one-tenth as it now is to, say, one-sixth, as this bill would do, increases the burden on the other five-sixths. Were it true, as alleged, that this bill is in furtherance of a universal eight-hour day, it would have the effect of decreasing the total production by, say, 20 per cent and increasing prices and the cost of living in a like ratio.

The class motive of this bill is shown by its application to the work that is unionized, just as the class motive of autonomous trade unionism is shown by the rigid limitation of apprentices and the prohibitory fees charged in most cities for admission of union workmen into a local union. Apprentices in certain trades have been entirely barred for years in some cities. In some trades in some cities the local admission fee is \$100 in cash. In some trades and some cities fines amounting to permanent expulsion are imposed.

I favor a shorter day for all, less work and less production, a plainer standard of living for all of us. But it is not the desire of the American people or labor or the union fraction of labor to reduce the standard of living by reducing the total production by a universal eight-hour day. The gain of the limited class affected by this bill can be retained or increased only by continuing the long day and low pay of majority—the common labor—the farm labor, railroad-construction labor, factory labor, clerks, and the like. A horizontal raise in wages or an all-around reduction in hours would alter nothing; it would only raise figures.

The shortening of workdays has not come by legislation; it has come by many concurring influences, such as improved machinery and individual or collective negotiations between wage-earners and employers.

In my own business, employing about 700, I long since voluntarily reduced the hours to nine, have for twenty-two years voluntarily shared the profits with all the employees, and for some years have given all of the profits to the employees and the purchasers—the employees receiving last year 30 per cent in addition to full wages. I am desirous of reducing our day to eight and one-half and to eight hours as soon as the majority of the employees are willing to reduce their earnings by that amount.

Were I to make an eight-hour day for 70, say one-tenth of our employees, with no reduction in their pay and dividends, it would be a manifest injustice to the other 630. This would be exactly parallel to the effect of the Gardner bill.

The bill should be rejected because it favors a small privileged class at the expense of labor and the public, and because it is obstructive and wasteful, and because it would injure the Government and the labor and capital in the factories excluded.

Yours, very respectfully,

N. O. NELSON.

[New Jersey State Association of Master Painters and Decorators.]

JERSEY CITY, N. J., April 13, 1908.

To the Hon. JOHN J. GARDNER.

DEAR SIR: In behalf of the New Jersey State Association of Master Painters and Decorators, and by their direction, I wish to enter a protest against the passage of the so-called eight-hour bill now pending before the National Congress, believing that such legislation would be unwise and pernicious and against the interests of the manufacturers and mechanics of the country, and we would further ask that this protest be made a part of the printed records in the case.

Yours, most respectfully,

BENJ. F. DAVIS, Secretary.

[New England Structural Company.]

EVERETT, MASS., March 25, 1908.

HON. JOHN J. GARDNER,  
Washington, D. C.

DEAR SIR: We wish to call to your attention our position in regard to some of the legislation which is being attempted in Washington according to reports we have been receiving.

The eight-hour bill applied to Government contracts would affect us personally, and in the same way that it would affect many others in the same line of work. We have built the steel work for a large number of Government buildings and have contract at the present time for one at Portsmouth (N. H.) Navy-Yard.

We operate our shops nine hours a day and have to do so to handle our contracts properly, so that if the eight-hour law were passed we should practically be eliminated from Government contracts.

The endeavors which are being made to amend the Sherman antitrust act so that labor organizations will be exempt from some of its terms are clearly an effort to obtain class legislation, and we can not believe that there are many men in Congress or in the Senate who will listen to the arguments for this change, much less vote for it.

We know that you must be receiving hundreds of letters on these same matters, as the business men of this country are awakened to the fact that their opinions and ideas are not apt to be considered unless they express them.

What we want to see is the opportunity for individuals and corporations in this country to have their liberty of speech and action so long as they are not violating the laws. On the other hand, we do not want such laws enacted as will allow any one class exceptional privileges to the disadvantage of another class.

We realize that this letter may not go farther than the desk of your secretary; and if so, we trust he will make a condensation of it and report to you. If it reaches you complete, we would thank you for your attention.

Respectfully, yours,

NEW ENGLAND STRUCTURAL COMPANY,  
W. B. DOUGLASS,  
*Vice President and General Manager.*

[Narragansett Machine Company, engineers and machinists.]

PROVIDENCE, R. I., March 13, 1908.

HON. JOHN J. GARDNER,  
House Labor Committee, Washington, D. C.

DEAR SIR: We desire to enter our emphatic protest against the eight-hour bill, H. R. 15651. We think this bill would be unfair and unjust to manufacturers doing business with the Federal Government. It would especially affect us in this respect.

Respectfully, yours,

NARRAGANSETT MACHINE CO.,  
A. J. THORNLEY, *General Manager.*

[The Employers' Association of Niagara Falls, N. Y.]

NIAGARA FALLS, N. Y., February 28, 1908.

HON. JOHN J. GARDNER,  
Chairman, Washington, D. C.

DEAR SIR: At the last meeting of this association I was instructed to write you entering a strong protest against the eight-hour bill now before the House of Representatives (H. R. 15651). There is no doubt the intention of this bill is ultimately to legislate the eight-hour day into the factories of the country by indirection, and as it now is it applies to the Government work of contractors and subcontractors (some 7,000 in number), and in our opinion it strikes a blow at the commercial interests of our country which will result in closing many industries, particularly those connected with shipbuilding. Our association is composed of 32 manufacturers and producers, who have invested capital of almost \$30,000,000. I trust that you may be induced to look with favor upon our protest and use your best efforts to prevent this bill from coming out of committee.

Very respectfully, yours,

A. H. G. HARDWICKE, *Secretary.*

[National Metal Trades Association.]

CINCINNATI, OHIO, *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: The Cincinnati Metal Trades Association under normal conditions represent an operating force of 10,000 employees.

Representing this organization, I am directed to write you a letter protesting against the passage of any bill limiting the hours of labor, as provided in House bills 15651 and 7564. Such bills have received consideration when there were not enough men for the work to be done, and to urge it now when business men want, above all things, freedom from agitation of every kind is a veritable crime. When 50 per cent of our manufacturers are right now worrying to keep their factories in operation, it is certainly discouraging and detrimental to their interests to know that agitation is going on in our National Legislature favoring an eight-hour law.

We believe it is absolutely necessary that every manufacturer be allowed a free hand in the conduct of his business, establishing hours of labor according to his requirements and the general conditions existing in each locality. It is a well-known fact that nearly all of the manufacturers who undertake Government contracts also manufacture for the open market and operate their plants more than eight hours per day, and are compelled to do so under the laws of competition.

About 40 per cent of the product of manufacturers in metal lines is export and is brought in direct competition with like product manufactured in other countries with much cheaper labor. Contracts on a limited hour basis could not be handled in conjunction with contracts on an unlimited basis, and consequently Government work would be practically prohibited where the eight-hour day was made a condition. Penalty clauses in Government contracts would preclude the possibility of working overtime in order to make deliveries within the specified time. There are a great many more objections that can be made to this character of legislation, but suffice to say that it is not expedient nor necessary at the present time and the demand for it does not come from that great mass of workmen whose shoulders are at the wheel to-day.

It would destroy nearly every shop organization in the country, and we sincerely hope that your committee will report adversely upon all eight-hour legislation of the character referred to.

Very respectfully,

J. M. MANLEY,  
*Assistant Secretary.*

[The Merchants' Association of New York.]

NEW YORK, *March 6, 1908.*

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor,  
 House of Representatives, Washington, D. C.*

DEAR SIR: The board of directors of this association, after most careful consideration, adopted preambles and resolutions in opposition to the "Gardner eight-hour bill" (H. R. 15651), copy of which we inclose herein for the information of yourself and the members of your committee in considering the measure in question.

The grounds for our opposition to the bill are briefly stated in the preambles and resolutions.

Yours, very truly,

THE MERCHANTS' ASSOCIATION OF NEW YORK,  
 By S. C. MEAD, *Secretary.*

## MERCHANTS ASSOCIATION OF NEW YORK.

Whereas there is now pending before the House of Representatives, in Washington, a measure commonly known as the "Gardner eight-hour bill" (H. R. 15651), the stated purpose of which is to limit "the hours of daily service of laborers and mechanics employed upon work done for the United States;" and

Whereas a chief provision and purpose of said bill is that "no laborer or mechanic shall be required or permitted to work more than eight hours in any one calendar day" upon any work done under contract for the United States, or for any Territory, or for the District of Columbia; and

Whereas the enforcement of such a law in the case of any establishment or contractor doing work for the United States under contract, in localities where the prevailing hours of labor are longer than eight hours per day, would necessitate either the

placing of all productive work in such establishment or under such contractor on a uniform eight-hour basis or else the complete and absolute segregation of Government work from all private work; and

Whereas the enactment of such a law would constitute "class legislation," because limiting its provisions to "laborers and mechanics," but not to officers, clerks, or other classes of employees, and, moreover, would constitute an encroachment upon the right of freedom of contract, thereby in spirit, if not in letter, violating the Constitution of the United States: Now therefore be it

*Resolved by the board of directors of the Merchants' Association of New York,* That the enactment of class legislation of this kind is contrary to public policy, unnecessary, and vicious; that it is superfluous for the reasons that such matters are already regulated and controlled in each locality by State or municipal legislation, which undoubtedly conforms more closely to local sentiment and local conditions than would any Federal statute of universal application; and that for these and other reasons this board is opposed to the enactment into law of the Gardner bill (H. R. 15651), and respectfully represents that said bill should not receive the support nor the votes of the Representatives of the people in Congress.

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[The National Metal Traders' Association.]

NEW HAVEN, CONN., *March 2, 1908.*

HON. N. D. SPERRY, *Washington, D. C.*

DEAR SIR: At the annual meeting of this branch, held February 20, 1908, the following resolution was passed:

"Moved and seconded that the manager of this association write the Congressmen and Senators of Connecticut, stating that this association is opposed to any such legislation as the following bills: The Gardner bill, which I understand is now before the House Labor Committee; the Beveridge anti-injunction bill, and similar bills along these lines."

Hoping you will give this matter your consideration, I remain,

Yours, very truly,

J. H. PASWATERS, *Manager.*

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[The National Lock Washer Company.]

NEWARK, N. J., *March 7, 1908.*

HON. LE GAGE PRATT, M. C.,

*House of Representatives, Washington, D. C.*

DEAR SIR: As the president of this company, and residing in your district in East Orange, N. J., I wish to give expression of my opposition to the passage of the Gardner eight-hour bill (H. R. 15651) now before Congress.

While my company is not particularly interested in the provisions of this bill, we are vitally interested in the general prosperity of this country, and I feel that, if this bill passes, it will work great harm to the future prospects of trade in almost every way.

Yours, truly,

W. C. DODD,

*President The National Lock Washer Company.*

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[National Association of Builders' Exchanges.]

WEST ORANGE, N. J., *March 16, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

SIR: We beg to herewith inclose copy of a resolution adopted by the National Association of Builders' Exchanges at its annual convention, held March 3-4, 1908.

We most respectfully ask your careful consideration of our protest, and, of course, hope you will look at it our way.

Yours, very truly,

THE NATIONAL ASSOCIATION OF BUILDERS' EXCHANGES,  
Per ALEX E. PEARSON, *Secretary.*

WASHINGTON, D. C., *March 3, 1908.*

Whereas the eight-hour bill known as H. R. 15651, introduced by Mr. Gardner, of New Jersey, in the National House of Representatives and now pending before the Committee on Labor, contains the provision that every contract hereafter made to

which the United States, any Territory, or the District of Columbia is a party which requires or involves the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract in the employ of the contractor, or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours of any calendar day upon such work, and that every such contract shall stipulate a penalty for each violation of such provision in such contract of \$5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon such work; and

Whereas such a law, if enacted, would render it practically impossible for contractors to undertake work for the Government on account of the impossibility of carrying out its provisions and the uncertainty as to their liabilities thereunder; and

Whereas the same is an invasion of the constitutional rights both of employer and employees, and would work a great hardship to the latter by depriving them of their much desired privilege of working overtime for overtime pay: Therefore be it

*Resolved by the National Builders' Exchange now in session at Washington, D. C., That we are opposed to the passage of any such law, and that the secretary be instructed to notify the Hon. John J. Gardner, chairman of the House Committee on Labor, of our opposition to said bill as thus expressed by sending a copy of this resolution to him.*

As adopted.

ALEX E. PEARSON, *Secretary.*

[National Electric Lamp Company.]

CLEVELAND, OHIO, *March 2, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: The passage of the Gardner bill, known as H. R. 15651, would certainly work a very great hardship to the manufacturers of incandescent lamps, and, as one engaged in their manufacture, I would earnestly protest against its passage.

Very respectfully, yours,

J. B. CROUSE,  
*President National Electric Lamp Company.*

[The National Lock Washer Company.]

NEWARK, N. J., *March 7, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We wish to express to you our strenuous opposition to some of the bills now before Congress regarding labor relations, particularly the Gardner eight-hour bill (H. R. 15651).

While not interested directly in the provisions of this bill, we are vitally interested in general business conditions, and feel that if this bill becomes a law it will operate to a very large degree against the prosperity of this country.

We wish to go on record as being most strongly opposed to the passage of this bill.

Yours, truly,

THE NATIONAL LOCK WASHER CO.,  
W. C. DODD, *President.*

[Nashville Woolen Mill Company.]

NASHVILLE, TENN., *February 25, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I understand there is before your committee another eight-hour bill. Let me as a citizen of the United States suggest that in your legislative capacity you consider the United States as "us," and believe, if possible, that there are those of "us" who believe that the agitation of labor subjects have gone far enough. There is not to-day six hours of work for the laborers. Some are working four days per week, others are out of work completely. I was asked yesterday by a mechanic if labor unions and labor legislation was responsible for this labor depression. I said

I did not think they were, but the depression would be a fine time to study the subject of shorter hours and the dependence of people one upon the other. Can you as legislators add an inch to the height of a laboring man? Can you give him eight hours in times like these? Can you throw the employer down and compel him to rise with any load you may place upon him? Would you barter the employer for a few labor-union votes? I know you would not, but the continual worry from legislation makes tired the men whom they propose to legislate against.

Yours, with respect,

LEONARD PARKES, SR.,  
*President Nashville Woolen Mill Company.*

[Master Steam and Hot Water Fitters' Association of New York City.]

NEW YORK, March 28, 1908.

HON GEORGE H. LINDSAY, M. C.,  
*Washington, D. C.*

DEAR SIR: At the last regular meeting of this association the writer was instructed to advise you that this association desires to enter a vigorous protest against any and all legislation in favor of labor unions or others which tends to hamper or make more difficult the carrying on of business by employers.

We are opposed to the kind of legislation that can be termed "class legislation," in favor of labor unions. We desire particularly to impress upon you the necessity of opposing the Pearre anti-injunction bill, and to ask you to give whatever assistance you can to Mr. James A. Emery, who represents the National Association of Manufacturers in efforts being made on behalf of the employers of this country.

Whatever you can do in the direction above indicated will be appreciated by us, and we thank you in advance therefor.

Yours, very respectfully,

MASTER STEAM AND HOT WATER  
FITTERS' ASSOCIATION OF NEW YORK CITY.  
HENRY B. GOMBERS, *Secretary.*

[Nicols, Dean & Gregg, iron and steel.]

ST. PAUL, MINN., April 9, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: As manufacturers of wagon stock, which is used by the Government, also as individuals, we want to enter a strong protest against the passage of the eight-hour bill. It would be an absolute bar, as we understand the bill, for us ever to bid to furnish the Government a wagon pole or spokes or any wood stock which we manufacture. Then we think it would be an absolute bar for us ever to bid to furnish the Government a wagon pole or spokes or any made by somebody who ran an eight-hour shift.

Yours, very truly,

NICOLS, DEAN & GREGG.

NATIONAL METAL TRADES ASSOCIATION.

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor.*  
*House of Representatives, Washington, D. C.*

DEAR SIR: The National Metal Trades Association, representing more than 800 important manufacturers of the United States, desires to protest, through you, against House bill No. 15651, entitled "A bill limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes."

We object to this measure as against public policy, because it limits and reduces competition for Government work; as against the interests of the people, because under its operation the existing period of general depression will be protracted by making Government contract work undesirable and ex-

pensive; as unconstitutional, because it is class legislation of the grossest description, exempting from its provisions railroads and all other transportation interests.

Permit us to submit briefly some of the cogent arguments against the bill, classifying them under the heads of expediency, practicability, and justice.

The enactment of this law would be inexpedient chiefly because, first, it denies to the manufacturer a free hand in the conduct of his business, restricting output, increasing costs, and narrowing the market (one important effect being to restrict the growing volume of export trade, the promotion of which is possible only so long as the manufacturer is free to establish and maintain such hours and methods as will enable him to compete with the foreign producer); and, secondly, because the refusal of contractors to undertake Government work, as the result of an eight-hour day requirement, would reduce competition and enormously augment to the Government the cost of manufactured articles.

We urge that the bill is impracticable for the following reasons:

First. No manufacturer operates his plant on Government work exclusively. He also manufactures for the open market, and must operate his plant on the same hour basis as his competitors. As a rule, under a tacit agreement between employers and their men, shop hours are determined as competition and local conditions necessitate, and the imposition of arbitrary restrictions by act of Congress would be destructive of the peaceful working out of these conditions. It is just as impossible to change such conditions as it is to change natural laws. In many factories contracts on a limited hour basis could not be handled in conjunction with contracts on an unlimited hour basis; and, were an eight-hour day made compulsory, Government work could not be undertaken.

Second. In prosperous times manufacturers often find it difficult to secure enough competent men to run one shift of ten hours per day, and under such conditions two shifts of eight hours each would be impracticable. The situation would be further complicated by the fact that if the volume of business were not sufficient to justify the continuous operation of two shifts the men on the second shift would have to be discharged on completion of the Government work, which would often involve great hardship.

Third. As all Government contracts carry penalty clauses, under the proposed law contractors would be prohibited from working overtime in order to make the deliveries called for. This would often preclude good concerns from bidding, thereby reducing competition and increasing the cost to the Government.

Fourth. In prosecuting Government work it is usually necessary to procure materials or finished articles outside of the contractor's establishment; and it would be difficult for him to obtain such goods if subcontractors were required, under penalty, to produce them on an eight-hour day basis, as seems to be contemplated in this bill.

Fifth. Under this bill concerns electing to operate on an eight-hour day basis for the prosecution of Government work could not compete on private work with those operating on a nine-hour or ten-hour day basis and doing no Government work. By precluding such concerns from doing private work the prices charged for Government work would necessarily be greatly increased.

The bill is unjust both to the manufacturer and to the workman for the following reasons:

First. The prosecution of important contracts often involves working overtime. In well-managed concerns overtime work is wholly voluntary with the men, and they work overtime not only for the extra pay which such work invariably carries, but, also, in many cases, from a broad-minded desire to promote the upbuilding of the establishment, often thereby insuring to themselves permanent employment. An eight-hour day restriction would prevent a workman from thus conserving either his own advantage or that of his employer, and by limiting his earning power would unwarrantably trespass upon his individual rights.

Second. If Congress by legislation may prescribe an hour limit in factories, the door is open to other arbitrary restrictions, and this principle, if carried to its limit, would result in unconstitutional encroachment upon individual rights. The moment the Government assumes to dictate the methods to be employed in the conduct of any private enterprise it lays the foundation for industrial disturbance and encourages insubordination, the ultimate consequences of which can not be estimated or foreseen.

In conclusion, we desire to quote as follows from the declaration of principles of this association: "Since we, as employers, are responsible for the work



turned out by our workmen, we must have full discretion to designate the men whom we consider competent to perform the work and to determine the conditions under which that work shall be prosecuted." This broad principle, directly affecting as it does the subject under discussion, is the fundamental proposition for which this association has contended from the first, believing that upon its maintenance the entire fabric of our industrial prosperity must depend. The vital question is whether a majority of the people of this country will indorse the enactment of laws which, like the one now proposed, will make the Government itself a party to the introduction of artificial methods in the conduct of business enterprises and to the disruption of the reasonable and natural conditions under which the manufacturing interests of this country have been fostered. The bill now before your committee, and other bills of like tenor and tendency, are being pressed by the false friends of labor and are opposed to the enlightened and broad-minded consideration of labor questions for which this association stands. The arguments advanced by those who assume to represent the interests of organized labor are the same arguments which have been urged against all the efforts now being made to establish a broad platform on which capital and labor may stand together. These efforts have primarily in view the giving to the good workman the full fruits of his toil and the ultimate establishment in this country of organizations both of capital and of labor which shall have for their end the real promotion of the best interests of both.

Respectfully submitted.

THE NATIONAL METAL TRADES ASSOCIATION.  
By FREDERICK K. COPELAND, *President*.

[Eugene E. Nice, varnishes, japans.]

PHILADELPHIA, *March 3, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to the eight-hour bill, H. R. 15651, permit us to say that we believe you will best serve your constituents and business interests in general by refusing to report this bill favorably at this time.

Respectfully, yours,

EUGENE E. NICE.

[F. H. Noble & Co. (Incorporated), jeweler's findings.]

CHICAGO, *February 28, 1908.*

JOHN J. GARDNER, *House of Representatives.*

DEAR SIR: We wish to go on record as opposing what is known as the "Gardner eight-hour bill," and we state below our list of objections. In addition we wish to say that if this bill becomes a law it would be more profitable for us to import seven-tenths of the articles which we now manufacture, and having them come to us unfinished, we finish them up and putting them on the market, whereas we now manufacture the entire article and place it on the market.

In doing this we would find it profitable to discharge the skilled workmen in our factory and employ their sons and daughters at one-third the amount we are paying them.

The Gardner eight-hour bill if enacted would involve revolution and destruction to American manufacturers; it would be applied socialism by force.

It would wreck whole industries. A Senator has declared that it ought to be entitled "A bill to destroy the shipbuilding industry of the United States."

It would irretrievably embarrass, industrially and financially, hundreds if not thousands of plants whose product is intended wholly or partially for the Government.

It would drive hundreds of concerns out of the field of Government bidding; it might result in the establishment of Government factories.

It would be the irresistible entering wedge of new labor legislation, for the labor lobby would not stop there.

It is a proposition by indirection, and in time, to legislate the house of labor into the private enterprises (factories, mills, and workshops) of the whole country by act of Congress.

It has been seriously considered when there were not enough men for the jobs; to urge it now, when business men want above all things freedom from agitation of every kind, is a veritable crime.

Yours, very truly,

F. H. NOBLE & Co.  
S. RUSKIN.

[Norton Company, Norton grinding wheels.]

WORCESTER, MASS., February 19, 1908.

Hon. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

GENTLEMEN: We hereby confirm our protest by telegram, sent you regarding passage of eight-hour bill, H. R. 15651. We do this in what seems to us to be the mutual interests of the manufacturer and laborer in the various parts of the country. If business can be adjusted ultimately to the adoption of an eight-hour day for labor we have no objection to it, but it would involve very great loss and difficulty to manufacturers in Government contracts if they are obliged to work in accordance with the proposed bill.

Our own factory to-day is running on eight hours per day for five days per week on account of business depression; this makes business for the time being unprofitable. If an eight-hour day is to become general, we believe it should be through a gradual process of mutual adjustments, which will not suspend the operations of many business firms.

We do not, however, believe that any man should be prevented by law from working more than eight hours if he finds it for his advantage to do so, and think the regulation by law in this respect should be to prevent a man being required to work more than a certain number of hours. While hardships in certain cases might continue under such a law, we believe they should be regulated in some way to prevent hardship to those who have due consideration for the welfare of their employees; hence our protest.

Very truly, yours,

NORTON COMPANY,  
C. L. ALLEN, *Secretary*.

[Northern Engineering Works.]

DETROIT, MICH., February 19, 1908.

Hon. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We have before us a copy of the House bill 15651, which we understand to be a bill providing that every contract for the United States Government which involves the employment of laborers or mechanics shall contain a provision that no laborer or mechanic employed on the job shall work more than eight hours per day.

Aside from the question of the wisdom of passing any such measure, it would seem to us that if the measure were passed it would be impractical, except possibly in those cases where a firm did nothing but Government work.

We are crane builders. Perhaps about 2 per cent of our work each year goes to the United States Government. We make up the standard parts of our cranes, like trolleys, trucks, and other standard features, in large quantities, and when doing so we run our usual time, which is ten hours per day (or in summer time fifty-four hours per week). When we get a Government contract we take this work out of stock and apply to the contract. We doubt if any of the other crane builders in the country with whom we are acquainted do more than, say, 4 or 5 per cent Government work. Do you think for a moment that any of these manufacturers would attempt to run part of their plant eight hours per day on this small amount of Government work, and the balance of the plant on regular hours? Or, do you think for a moment they would reduce their running time of the entire plant to eight hours per day throughout in order to get this small amount of Government work? It is impossible to run a Government job through a plant which operates nine or ten hours a day and to see that the men on this job work only eight hours per day. The only other alternative is for the manufacturer to refuse to take Government work at all, and that is what we would do if such a bill passed, and we think all the other crane manufacturers would do likewise, because we do not see how they could do anything else. And, supposing two or three of them did manage it, you must consider that competition on Government

work would thus be restricted to very few bidders—possibly only one bidder—and as a result the Government must pay higher prices for its work.

What this bill may have in view aside from contracts like cranes and hoisting machines, motors, engines, etc., scattered throughout the country, we do not know, but we presume it is aimed at the shipbuilding industry, and while the conditions there might not be the same as with us, we certainly think that industry would meet with many of the difficulties which we would encounter in attempting to comply with the terms of this bill.

Sincerely, yours,

NORTHERN ENGINEERING WORKS,  
GEO. A. TRUE, *President and Manager.*

[Norton Grinding Company.]

WORCESTER, MASS., *February 19, 1908.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: Permit us to ask you to consider and if possible use your influence to oppose passage of the eight-hour bill "limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for all other purposes."

We believe this is fully as unjust to the laborer as to the employer of labor, and will greatly embarrass many manufacturers who might be willing to do work for the Government. Besides, we do not believe that a citizen of the United States should be prevented by law from working over eight hours per day if he believes it to be to his advantage to do so.

While the law might properly prevent his being compelled to work more than a certain number of hours, it should not take away his right to work more. If hardships should arise in special cases under such a law, they should be regulated by special means adapted to the case and conditions.

Trusting you may be able to act in the opposing of the passage of the bill, we remain,

Yours, truly,

NORTON GRINDING COMPANY.

[Norfolk Woolen Company.]

FRANKLIN, MASS, *February, 19, 1908.*

JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to protest against your committee reporting favorably on the eight-hour bill (H. R. 15651). It would be almost impossible for the manufacturer here to do business under such a bill. Trust that your committee will report against it when completing your hearings.

Yours, truly,

NORFOLK WOOLEN CO.,  
B. M. ROCKWOOD, *Treasurer.*

[New England Butt Company, founders and machinists]

PROVIDENCE, R. I, *February 18, 1908.*

Hon. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We wish to enter our protest against the eight-hour bill (H. R. 15651) now before your committee. These pernicious labor bills are a disturbing element to the industries of this country.

Success with the Government is only preliminary to a demand on private industries of far-reaching and damaging results.

Yours, truly,

NEW ENGLAND BUTT COMPANY,  
H. N. FENNER, *President.*

[Nesler & Co., manufacturing jewelers.]

NEWARK, N. J., *February 19, 1908.*

Hon. J. J. GARDNER,

*Washington, D. C.*

DEAR SIR: We desire to be on record as protesting against the passage of the eight-hour bill as introduced by you, known as H. R. 15651.

Yours, very truly,

NESLER & Co.

[New York Leather Belting Company.]

NEW YORK, February 18, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
 House of Representatives, Washington, D. C.*

DEAR SIR: We think that the bill which is having a hearing before a subcommittee of the House Committee on Labor is one that if it became a measure would be greatly to the disadvantage of the manufacturers' interests of the country, and trust that you will give full consideration to this and any other protest you may receive regarding reporting the bill favorably.

Yours, very truly,

NEW YORK LEATHER BELTING CO.,  
 C. E. AARNT, *President*.

[Nurdyke &amp; Marmon Company, Incorporated, Flour Mill Engineers.]

INDIANAPOLIS, IND., February 20, 1908.

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: Our attention has been called to a so-called eight-hour bill (H. R. 15651), introduced by Representative Gardner, of New Jersey. Such legislation we believe at any time is undesirable, and under present business conditions it is absolutely untenable.

We wish to file a serious protest against any favorable consideration of this measure.

Respectfully,

NORDYKE &amp; MARMON CO.

[New York Storage Company.]

ST. LOUIS, MO., March 7, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I would like to enter my protest against the Gardner bill (H. R. 15651). All labor, I believe, is a commodity, and as such is for sale to the highest bidder, but if it is going to be hedged about with walking delegates and governmental restrictions and all the other attachments, the American employer, it is safe to say, will not want any of it. He will be importing his eating and drinking and wearing attachments from some other country.

Don't the gentleman who framed this bill know that our industries have been paralyzed; that thousands and tens of thousands of the laboring classes all over the country are idle, and to restrict the hours of labor at this particular time would put everybody out of business? If you can see your way clear to use your influence against this bill and register our protest you will greatly oblige.

Yours, very respectfully,

G. G. GIBSON,  
*President*.

[Nutter &amp; Barnes Co., Metal Cut-off Machines.]

BOSTON, March 20, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

NUTTER & BARNES COMPANY,  
 HENRY A. BARNES, *Treasurer*.

[National Foundry Company.]

ERIE, PA., February 20, 1908.

HON. ARTHUR L. BATES, M. C.,  
*House of Representatives, Washington, D. C.*

MY DEAR SIR: Our attention is called to the fact that the bill known as the "Gardner eight-hour bill" is now receiving consideration of the House committee. As we

understand this bill, it provides that in the manufacture of any material for use by the Government it should be compulsory that the manufacturer confines the hours of labor to eight hours per day in the manufacture of said material.

We beg to say that we are this week making a considerable number of steel castings for use on ships for the United States Navy. These castings form, however, only a small part of each day's output in our foundry, all the rest of the castings being for other than Government use. It is absolutely necessary for us in this line of business to have our men work, some of them nine hours per day and some of them ten hours per day, and the men are altogether willing to work these hours each day. If under the provisions of this Gardner bill we were asked by the Government to submit proposition for furnishing steel castings, we would necessarily have to decline to submit any proposals, for the reason that it would not be possible for us to run our foundry only eight hours per day in making these castings for the Government when all of the other castings we are producing must necessarily be made on the basis of ten hours per day.

We feel that we are only one among the thousands of manufacturers who would take this same position, as they necessarily must do.

We trust that you will see the justice of our position, and we ask that you promptly use what influence you can to have this bill killed in the House committee. We would like to hear from you, stating just what position you take in this matter and what you will do in the premises.

Awaiting reply, we beg to remain,

Yours, truly,

NATIONAL FOUNDRY CO.

C. W. DAVENPORT, *General Manager.*

[The Wm. J. Oliver Manufacturing Company, mining and contractors' equipment.]

KNOXVILLE, TENN., *February 21, 1908.*

MR. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that you have recently introduced an eight-hour bill (H. R. 15651), which is practically identical with the McComas and Hitt eight-hour bills of the Fifty-seventh and Fifty-eighth Congresses.

Allow me to respectfully enter protest against the introduction of the bill in question. Our unskilled labor throughout the Southern States is generally of a low class, and in working a nine-hour or ten-hour day the amount of work turned out per capita is not what it should be with a thoroughly conscientious, consistent workman. It is generally recognized that the American workman is the greatest politician that we have, and with an eight-hour law in effect, instead of increasing his utility he would be made more arrogant, his ideas as to his duty to his employer being prejudiced by the moral support which this eight-hour law would give him. It is my opinion that the American workman is not a downtrodden individual, and it will take but very little more legislation by labor agitators to make him of such a disposition that his usefulness will have ceased. In our shop we work a ten-hour day, and it is my opinion that there is no unbiased judge in the world who would say that any employee is overworked or even worked to his capacity. In the general nature of things the average foreman is in sympathy with the men under him, and if the manufacturer is practical he has the welfare of his employees at heart. Consequently, I can see no necessity of any further agitation of this question just at this time. We do not want to do anything at this time to promote the prejudice as between labor and capital.

We trust you will give our letter such consideration as you may think it deserves.

Yours, truly,

THE WM. J. OLIVER MANUFACTURING CO.,  
R. L. SITZ, *President.*

[Oneita Knitting Mills.]

UTICA, N. Y., *February 20, 1908.*

HON. JOHN J. GARDNER,

*Chairman, Washington, D. C.*

DEAR SIR: We herewith wish to protest most earnestly against the eight-hour bill (No. 15651) recently introduced in the House of Representatives. This is a bill that would work serious harm to our particular industry and also to the people that

are employed by us. We therefore trust that your committee will give it careful consideration from all standpoints.

Yours, truly,

ONEITA KNITTING MILLS,  
A. FREY, *Superintendent.*

[A. Ortmayer & Son, saddlery.]

CHICAGO, *March 7, 1908.*

HON. JOHN J. GARDNER,

*Chairman, Member House of Representatives, Washington, D. C.*

DEAR SIR: In reference to H. R. 15651, limiting the hours of daily work of laborers, etc., we take permission to appeal to you for support in order to prevent this bill becoming a law.

It is no question a bill that has been framed by labor unionists, who are most always detrimental to the manufacturer and the manufacturing interest. Conditions as they prevail at the present time in the manufacturing line in the United States prove that many workmen are out of employment and have not saved enough at the time they were earning high wages to protect themselves and their families during this period of dullness in the general business. Unfortunately the larger majority of these employees were forced through their unions to work only short hours; hence the willing workers were deprived of making sufficient wages to save a few dollars for dark days, and we are satisfied with our own collection of evidence that the workmen would be only too glad to work ten hours instead of nine, if this extra hour pays them 10 per cent more wages. In our line, for instance, it is mostly piece-work, and it does not need much figuring to come to the conclusion that a man can earn considerably more in nine or ten hours than if he is compelled to work only eight hours.

We think honestly, and by no means should it be considered selfishness on our part, that this bill before the House should be defeated, which we would consider beneficial to the whole manufacturing interests of the United States.

Thanking you for giving this your valued attention, we remain,

Yours, respectfully,

A. ORTMAYER & SON,  
ALBERT KUHLENEY, *President.*

ST. LOUIS, MO., *March 4, 1908.*

MR. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: I understand you are introducing an eight-hour bill in the House of Representatives—Gardner bill, H. R. 15651.

The Citizen's Industrial Association has issued a circular letter to all its members asking them to write a letter to the Representatives and Congressmen of their State to do all in their power to defeat this bill.

I am appointed on a committee by the electrical workers of St. Louis to draft up a letter and send it to all the labor organizations of this city asking them to also write a letter to the Representatives and Congressmen of the State asking them to support this bill.

As I am not familiar with the bill I would like to get a synopsis of it, or, if you think best, if 25 or 30 copies were sent me I would send them with the letters.

Hoping to hear from you, I remain,

Yours, respectfully,

J. T. OSBORN,  
*No. 1518 Lafayette Avenue.*

[Peace Dale Manufacturing Company. Incorporated 1848.]

PEACE DALE, R. I., *March 13, 1908.*

THE LABOR COMMITTEE,

*House of Representatives, Washington, D. C.*

GENTLEMEN: I am informed and believe that a very serious effort is on foot at Washington to exempt the labor organizations from the terms of the Sherman antitrust act, and so, by class legislation, to favor such organizations at the expense of others.

To be more explicit, I believe that it is intended to subject all of the corporations in the country and all of the employers of labor in the country to certain laws, amongst

them the Sherman antitrust act, making, however, the one glaring exception in favor of the labor organizations, so called.

I wish to be recorded as distinctly in favor of properly regulated labor organizations in case they can be incorporated like other organizations and made pecuniarily responsible for contracts, and I can easily see they might offer an advantageous solution to some vexed questions.

I am not unwilling to say this, in spite of being aware that the labor organizations in England have raised the cost of production so as to cut off English products in several markets, and the reason why it appears to me possible that labor organizations may be of use in the United States is because I believe there is a higher degree of intelligence amongst labor leaders and the members of such organizations here than that which prevails in England. I trust I am not mistaken in this.

But, however that may be, I desire to enter a most vigorous protest against so glaring an illustration of class legislation as is apparently not only contemplated, but well along toward consummation. I can not believe it would be found to be constitutional upon the one ground mentioned, that it accords different treatment to citizens who are before the law equal and possessed of equal rights, whether singly or massed in corporate bodies.

Respectfully,

ROWLAND G. HAZARD,  
*President Peace Dale Manufacturing Company.*

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[The Metal Manufacturers' Association of Philadelphia.]

PHILADELPHIA, PA., February 26, 1908.

HON. JOHN J. GARDNER,  
*Chairman of the House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: On behalf of the Metal Manufacturers' Association of Philadelphia, which is composed of 75 of the leading manufacturers, employing upward of 30,000 metal workers in Philadelphia, Camden, and vicinity, I would ask that we may be heard in opposition to the eight-hour bill now pending. We hope that you can grant us this hearing the early part of next week, provided the committee, which I understand is having hearings on this bill, can be ready for us by that time. Our members all feel that they should be allowed a free hand in the conduct of their business, and that hours of labor should not be fixed by legislation, but according to general existing conditions in each locality.

Yours, respectfully,

D. H. MCPHERSON,  
*Secretary.*

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[Phoenix Silk Manufacturing Company.]

PATERSON, N. J., March 25, 1908.

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor, House of Representatives.*

MY DEAR CONGRESSMAN: I feel it my duty to write to you regarding the so-called eight-hour bill, which is under consideration by your Committee of the House of Representatives on Labor.

There are not many goods manufactured in the silk industry for the Government; in fact, I believe the supply is limited to perhaps 60,000 or 80,000 black mufflers for the Navy per year; but if it may be reasonably argued, as I think it may, that the establishment of a limit of eight hours as a law of the General Government for the employment of labor would lead eventually, in all likelihood, to a general recognition throughout the country of eight hours as the standard of all factory employees, then it would be likely to ultimately work very disastrous results in the silk industry in America.

This industry is to-day contending against the disadvantage of long hours in silk-manufacturing establishments in all foreign countries. I know from my personal knowledge in the inspection of silk-working establishments in Italy that in most branches of silk working hands begin work at daylight, stop a half-hour for breakfast at 7 o'clock, a half-hour for so-called dinner at midday, and then work until 7 or half-past 7 before they get their suppers at night. In the more advanced processes of the silk-manufacturing business winders, warpers, quillers, twistlers, and weavers work twelve hours a day in such manu-

facturing centers as Lyon, Zurich, Basel, Crefeld, and Milan. In Japan, speaking from my own observation, hands go to work just as soon as daylight comes and work as long as it lasts, without any account of hours. The daylight hours of work depend entirely on the coming up and going down of the sun. The margin of protection offered by our American tariff laws, which protection is supposed to equal the difference between American and foreign wages, is now rather close on some articles, and an importer with an elastic conscience, or an exporter on the other side of the water without a conscience to speak of, or else so little that "you can hardly notice it," could easily work in under present conditions some goods which it would be far more easy to place in this market at less than the cost of American fabrics, tariff included (if American silk workers labor only eight hours per day), for an eight-hour daily limit would surely enhance the costs of American productions.

If all the hands could be operated in American factories on the piecework system not so much difference would be caused; but necessarily in the silk business there is a considerable percentage of time workers and they will expect to be paid just as much for eight hours work as for ten hours per day.

The State of New Jersey, in a hysterical mood, some dozen years ago established a fifty-five hour per week law. It is an absolute and incontrovertible fact that almost immediately the advantage held by Pennsylvania manufacturers, who had no difficulty in getting all the help they wanted on a sixty-hour basis, was apparent. As a result many of our manufacturers moved to Pennsylvania. The drain upon the silk industry of New Jersey by this removal of different concerns has been great, and the exodus has resulted in making Pennsylvania the largest silk-working State in the Union. There are about 270 silk-working factories in Pennsylvania, where a dozen years ago there were not 50, and the increase in the number of such establishments in New Jersey in the same space of time has been comparatively small.

I conscientiously think it would be dangerous to the silk business of America to have eight hours established as the regulation working time for employees, and I believe that the enactment of a law limiting all labor on Government work to eight hours a day would have much to do toward bringing about a general eight-hour law for all industries in the country. Furthermore, I do not believe that people working in properly conducted mills, especially those so clean and orderly as silk factories must be, would be any happier in working only eight hours per day instead of ten hours.

Yours, very truly,

JOS. W. CONGDON,  
*President.*

[Pennsylvania Clay Company.]

PITTSBURG, PA., *March 4, 1908.*

HON. WM. GRAHAM,  
*House of Representatives, Washington, D. C.*

DEAR SIR: It has come to our notice that Hon. John J. Gardner, Member of Congress from New Jersey, and chairman of the House Labor Committee, has presented a bill to Congress known as the Gardner eight-hour bill, H. R. 15651, which is now before a subcommittee of the House Committee on Labor. We wish to protest against the passage of this bill as unjust and unreasonable, as the same will be a hardship to the manufacturers of this valley. We trust you will use your influence in seeing to it that the adoption of the measure is defeated.

Thanking you for your attention to this matter, we beg to remain,

Yours, very truly,

PENNSYLVANIA CLAY COMPANY,  
W. W. CUNNINGHAM, *Manager.*

[Pittsburg Steel Construction Company.]

PITTSBURG, PA., *March 5, 1908.*

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor,  
House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to the proposed "eight-hour bill," the terms of which are such that we are very much opposed to the passage of the same.

We have just wired you, as per copy inclosed, and beg to explain this message by stating that if the proposed bill should become a law, it would be absolutely impos-



sible for this company, or for any other manufacturers of structural material, to bid on Government work, as there is no place in the United States, or in the world, for that matter, where structural material is rolled under strict conformity with the provisions of the proposed new law.

Even if we should put our shop on an eight-hour basis, this would not help us in any way, as we would still be up against the proposition of buying structural shapes, which is our raw material, from some mills that work their men on twelve-hour shifts, and it would be impossible to avoid buying from such mills, as there are no mills in this country where this practice does not prevail.

We trust your committee will realize the seriousness of practically shutting off the Government from buying certain supplies at any price, and hope that the bill will not become a law.

Very respectfully,

PITTSBURG STEEL CONSTRUCTION COMPANY,  
ALEX. LAUGHLIN, *President*.

[Putnam Machine Company.]

FITCHBURG, MASS., *March 19, 1908.*

Congressman JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We are writing you that we protest against the eight-hour bill, H. R. 15651, which was introduced by yourself. If the above bill becomes a law it will work a hardship to New England business, especially our own, the iron business, and be disastrous in the extreme, and our wish is that this bill be not made a law.

Yours, very truly,

PUTNAM MACHINE CO.  
HENRY O. PUTNAM, *Treasurer*.

[Palmer & Parker Company, mahogany.]

BOSTON, *February 20, 1908.*

Hon. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand there is a bill presented to the House calling for an eight-hour law (H. R. 15651). We would respectfully add our protest to the passage of such a law, as it would be very unnecessary and unjust legislation. We are lumber and veneer manufacturers and employ about 75 to 100 men. We wish you would use your influence to defeat the measure.

Respectfully, yours,

PALMER & PARKER CO.  
W. I. PALMER.

[Builder's Exchange League.]

PITTSBURG, PA., *March 25, 1908.*

Hon. W. H. GRAHAM, *Washington, D. C.*

DEAR SIR: This association, composed of general contractors, subcontractors, and material supply dealers in the building trades of Allegheny County and vicinity, do hereby enter emphatic protest against the eight-hour law, known as House bill No. 15651, now pending before the House Committee on Labor in the National Congress.

This bill is considered unconstitutional and an interference with the free right of the Government in contracting for work; an interference upon the free right of the contractors, and of their ability to comply with the requirements of such contracts. Such a law being a serious handicap upon the time contract and an injustice to the workingman himself, effected throughout the manufacture of all the materials necessary for the erection of such work and the work of the man himself on the building, inasmuch as it interferes with the right to work as many hours as he chooses, and to secure the benefits of pay at increased wages for hours put in more than eight hours per day, which is the condition

that has always been desired by all classes of labor, particularly organized labor.

Further, we do hereby favor the adoption of the bill providing for agricultural and industrial education, which bill is known as H. R. 534.

Yours, respectfully,

T. W. JONES, *Secretary.*

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[J. E. Patterson, manufacturer.]

WILKES-BARRE, PA., April 3, 1908.

Hon. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: I have been informed that the hearings before the committee on the eight-hour bill now before Congress are over; that you have decided it would be as well to hold no more public sessions, but to receive written arguments for and against this bill, and I understand such written arguments will be part of the printed records of the hearings.

I am opposed to the eight-hour bill that is now before Congress and wish to be recorded as opposed.

Why should we enact the eight-hour law because the leaders of about one-tenth of the workers of this country ask it? Wait until the majority ask for such legislation.

Leave men free to work as many hours and earn as much money as they wish to. Leave the Government free to employ men as many hours as at the time seems best.

An eight-hour law prohibits all workmen from the freedom of working as many hours as they might wish to work. It cuts down the earning power of the workmen and increases the cost to the Government; thereby increases the taxes paid by the people to support the Government. It would be no benefit to anyone but against the interest of all parties interested.

If there was an enforced eight-hour day for all mankind in all walks of life, I believe it would practically stop the wheels of commerce.

For our legislators, elected by a free people, to enact a compulsory eight-hour law is to commence to legislate away the freedom of the people that elected them.

I was once a wage-earner. If I had been bound down by an eight-hour law I could not have advanced from a wage-earner to a prosperous employer in six or eight different lines of business. This I accomplished because my lot was cast in this country, which was free in the true sense of the word. I hope it may be kept equally as free without any eight-hour law to interfere with the advancement and prosperity of other wage-earners.

The freedom for men to work as many hours as they chose made this country what it is. At one time I worked continuously four days and nights, and many times eighteen hours a day, and at the age of 70 I am rugged and well and able to do a good day's work.

The right to work long hours is better than to worry on account of being restricted to less hours than would give a man the best results in supporting his family.

"Work is the salvation of men. Work cures a thousand ills."

Work does not kill, worry does.

Very sincerely,

J. E. PATTERSON.

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[P. N. Peterson Granite Company.]

ST. PAUL, MINN., March 28, 1908.

Hon. F. C. STEVENS, *Washington, D. C.*

DEAR SIR: As employers of labor we desire to urgently protest against House bill No. 15651, as we consider same far too radical.

Respectfully, yours,

P. N. PETERSON GRANITE CO.

[The Wm. Powell Company, brass goods.]

CINCINNATI, OHIO, *February 22, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

HONORABLE SIR: In regard to the Gardner eight-hour bill, we wish to enter our position and protest against the passage of the bill. We feel that it would be unwise to pass said bill on account of the present unsettled condition of the times, and hoped that no question would cause any more agitation in labor matters than is now upon us. The passage of this bill would cause a change in what is considered the usual hours of daily work and create a tendency of unsettlement. Having established a new record by law the tendency to change other and regular systems would be greatly increased. Having Government sanction, it would be the means of dissatisfaction to labor generally, and invidious comparisons would be continually cropping out. The labor question being a very difficult one to handle, if preference be given in any certain line disturbances elsewhere would ensue.

That equality and equity may prevail and prosperity abound, it is our hope that as we are all fellow-servants to our beloved Government, that all be treated on equal footing, whether we labor by the day for the Government or labor elsewhere for private enterprises in its domain.

Most respectfully, yours,

THE WM. POWELL CO.,  
CHAS. E. MCFARLAN,  
*Second Vice-President.*

[Pennsylvania Engineering Works.]

NEW CASTLE, PA., *February 22, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We hope no eight-hour bill for Government employees will go through your committee with a favorable report.

Yours, truly,

PENNSYLVANIA ENGINEERING WORKS,  
EDWARD KING, *President and Treasurer*

[The Paragon Plaster Company.]

SYRACUSE, N. Y., *February 21, 1908*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to state in the most brief way that we are absolutely opposed to bill H. R. 15651. We do not believe there is any call for this kind of legislation and it is entirely contrary to the interest of the country as we see the matter from our standpoint. The hours and prices of labor will be governed by the supply and demand and there is no more reason in endeavoring to legislate on this subject than there is on the price of wood or coal. We hope the bill will never leave the subcommittee.

Yours, truly,

THE PARAGON PLASTER CO.  
W. K. SQUER, *Treasurer and Manager.*

[Peninsular Press.]

DETROIT, *February 19, 1908.*

HON. JOHN J. GARDNER, M. C.,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: I have carefully read the bill introduced by you in the House January 28, 1908, limiting by forceful enactment the hours and earning capacity of men employed on Government work. Does it not occur to you that this is a direct curtailment of the personal liberty of all citizens, any of whom might at some time wish to work for the Government, by a small body of men elected to Congress, not as our masters nor disciplinarians, but as our servants? Would it not be better if you persist in pressing this bill to rename it, "A bill providing for industrial slavery?"

The injustice of this iniquity which you propose to clothe with legislative sanction falls hardest upon the men, whom it must necessarily rob of their self-respect, all initiative and vigorous ambition being denied them.

If the Congress may enact and enforce a law which says that I shall not "be required or permitted to work more than eight hours," then I may reasonably expect that some House Member suffering with insomnia will, by direct legislation, dictate the number of hours that I may be permitted to sleep.

Yours, truly,

PENINSULAR PRESS,  
I. H. BENJAMIN.

[Philadelphia Watch Case Company.]

RIVERSIDE, N. J., February 25, 1908.

Hon. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that another eight-hour bill is to be introduced for consideration before Congress, and we respectfully beg to protest against any more legislation of this nature.

This matter has already been discussed pro and con, and there is no benefit to be derived from it either for the business man or the workingman. It only serves to disrupt business conditions, create prejudice and disquiet, and furnish material for political capital and controversy.

This country needs more common sense and less buncombe.

Respectfully,

PHILADELPHIA WATCH CASE CO.,  
Per T. ZURBRUGG, *President*.

[Phillips & Buttorff Manufacturing Company, stoves-ranges.]

NASHVILLE, TENN., February 22, 1908.

Hon. JNO. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.:*

We are advised that there will be considered by your committee an eight-hour measure, which, in our judgment, is but an opening wedge, which will be followed by added legislation, backed perhaps by less considerate statesmen, that will make a general eight-hour day in private employments.

Let us submit these few facts:

We have operated this business as mechanics, proprietors, and officials for over fifty years. Have worked from ten to eighteen hours daily. We know that if we had not done this, the extended business of this company to-day would not exist. As officials we are now working from nine to fifteen hours daily. Our mechanics, laboring men and clerical force average about nine and one-half hours. It seems to require these efforts on part of all to give to our shareholders an adequate return for capital invested.

Many of us were reared on farms, where work time extended from twelve to sixteen hours, father, mother, boys, and girls all striving together for the bare necessities of life. So far as farm life is concerned, the situation to-day is unchanged.

To reduce number of hours for the mechanic and labor engaged in production of articles for use would be to increase price to farmer, who already works harder and longer than the mechanic at the bench, with more meager wages than any other class of people in the United States.

We find attorneys in courts and in office during all hours of the day, and then carrying great bundles of papers home to work until the wee sma' hours.

Legislation, in session, works whatsoever hours may be agreed upon by the majority of the body, then committees proceed with their arduous labors until 10, 11, or 12 o'clock at night.

Our experience with National Legislators is limited, but we have even found them, when in contact with them, working under similar strain, many times engrossed until late at night on committee work or preparations for the morrow's deliberations.

Having worked as farmers, laborers, and mechanics, we have found that brain work in official position is more laborious and exhausting than any other form of labor.

Our experience and observations teach us that the mechanic and laborer on eight-hour restriction finishes his tasks at, say, 4.30 p. m. He has, then, from one and one-half to two hours before going home at the accustomed time, which is 6 p. m., and

spends that spare time in saloons, playing dominos, checkers, or cards, and goes home at last in much worse condition than if he had remained at remunerative employment until dusk.

Is there any reason why hours of labor should be reduced to the unappreciative, and cost of products enhanced to already overburdened, often poorly educated, farmers, who are the great consumers of labor's product?

PHILLIPS & BUTTORFF MFG. CO.  
H. W. BUTTORFF, *President*.

[Peninsular Engraving Company.]

DETROIT, *February 20, 1908.*

HON. EDWIN DENBY,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We have just wired to the Hon. J. J. Gardner, chairman House Committee on Labor, Washington, D. C., as follows:

"This company wishes to enter vigorous protest against adoption of eight-hour labor bill (H. R. 15651). Begs to enlist your endeavor and influence for its defeat."

We sincerely trust that you also will do all in your power against the passage of this bill.

We regard it as unjust and injurious to the American laborer and the employer.

Trusting you will see your way clear to grant our request, we remain,

Yours, very truly,

PENINSULAR ENGRAVING COMPANY,  
L. F. EATON, *President*.

[Peninsular Milled Screw Company.]

DETROIT, MICH., *March 4, 1908.*

HON. EDWIN DENBY,  
*Washington, D. C.*

DEAR SIR: In regard to the eight-hour bill (H. R. 15651), permit us to enter our protest.

As manufacturers, it will, if passed, be a serious obstacle in the regular course of manufacturing, which is already none too good.

We pray, in the interest of manufacturers and mechanics, that this bill be defeated.

Yours, very truly,

PENINSULAR MILLED SCREW CO.  
Per H. J. CONN.

[Peoria Stone and Marble Works.]

PEORIA, ILL., *March 10, 1908.*

HON. JOHN P. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We beg for the privilege of drawing your attention to a measure now before Congress entitled House bill 7564, limiting the hours of labor on Government work. The passage of a law of the nature contemplated, we assure you, would work a great hardship upon our firm and business, and we are positive would have a similar effect on practically every concern who manufactures work or even deals in articles that are furnished under contract from time to time to the Government. A law limiting the hours of labor in hazardous employment or employment exceedingly detrimental to human health would probably be practical and commendable, but you are aware that the Government requires goods, articles, and materials of vast quantities and varieties. In many instances our work, as also other work, is performed for the Government through a general contractor, or in other words, as a subcontractor. We operate our works from nine to ten hours per day, as the nature and amount of business we have on hand may demand, and if the Government would demand that we work only eight hours per day on Government work going through our shops, even though we are not directly under contract with the Government, it would disorganize and demoralize our business so that we would be obliged to abandon the idea of doing work for the Government. The Government would find it difficult at times to draw the line; for instance, the uniform of one of our boys in blue which are purchased by

the Government. The cloth of such a uniform may be made under an eight-hour rule or law, but how about the binding, the lining, the buttons, the thread, the peak of his cap, the belt, and possibly other trimmings, all of which would have to be made under the strict eight-hour rule because most of the items named are manufactured by different concerns, and unless the whole was made under the same rule there would be discrimination. The various firms no doubt are just like ours; they manufacture for others and not alone for the Government. We are sure passing a law limiting the hours of labor on all Government work would be very unwise, unjust, and unprofitable both to the workman and the employer. Neither we nor anyone else could afford to pay our men as much for eight hours as we do for nine or ten hours; if we did we would be obliged to advance the price to the consumer. Besides, we contend every American citizen should have the right to control, contract, or dispose of his labor as he deems to his best advantage. We sincerely hope that a uniform or strict eight-hour law will not be passed by your honorable body for the reasons we have explained and for hundreds of others.

Yours, truly,

PEORIA STONE AND MARBLE WORKS,  
Per CHAS. H. ISELE.

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[Pope Motor Car Company.]

INDIANAPOLIS, IND., March 10, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: With reference to the proposed eight-hour law, we believe that to make it illegal for men to work more than eight hours a day, should they be working on Government contracts indirectly, is unnecessary regulation not desired by the workman himself unless he can get the same amount per day with less hours of work.

Such a condition would of course appeal to nearly every one with favor, but if the ulterior motive is to accomplish this the success can be but temporary, for if the whole world should knock off an hour earlier the total wages would be reduced by that percentage, for the world's wages do not consist of money, but of the things which the world purchases by its labor, whether that be of brain or brawn, or both.

Yours, truly,

HERBERT H. RICE, *Manager.*

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[Pittsburgh Construction Company.]

PITTSBURG, PA., March 4, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee of Labor,  
Capitol Building, Washington, D. C.*

DEAR SIR: We believe it would be very unwise to enact the eight-hour labor law now being considered by your committee, our opinion being that it would interfere with the placing and execution of many classes of Government contracts.

Under such a law we should consider it unsafe to bid for Government contracts involving subcontracts or purchase of any manufactured supplies.

Yours, truly,

PITTSBURGH CONSTRUCTION CO.,  
C. L. MCKENZIE, *President.*

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[The Peerless Electric Company.]

WARREN, OHIO, March 5, 1908.

HON. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: The Gardner bill, known as H. R. 15651, which is now up for consideration, would without doubt be exceedingly detrimental to the best interests not only of ours but of all the manufacturing industries of the Mahoning Valley. You can not help but appreciate that at the present time conditions are such that the consequent increase of the cost of production that must follow the passage of this law

would bring about an even more serious commercial depression than is existing at the present time.

We trust that we may have the work and vote of yourself and colleagues in the rejection of this measure.

Very truly, yours,

THE PEERLESS ELECTRIC COMPANY.

WILKESBARRE, PA., February 21, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I wish to enter a protest against the eight-hour bill, H. R. 15651, as well as against all special legislation of that nature.

After upward of fifty years of business experience, employing men in various lines of business, I am fully satisfied that any law arbitrarily fixing the hours of labor is against the interest of the workingman, the employer, and the country at large.

I think the number of hours that a man should work should be left for him to arrange as between him and his employer.

I don't believe in an unreasonably long day. When a young man I had plenty of experience working twelve hours a day, but work never hurt me. I believe the day has gone by when workmen will be asked to work as long as that. It will probably range from eight to ten hours, according to circumstances and conditions, and beyond making a legal day, I would say, of ten hours for a day's work when there is no agreement as to the number of hours between the employer and the laborer, I would not pass any laws fixing the hours of labor. It is impossible, in my judgment, to pass a law that will apply to all cases.

I think the eight-hour law for the Government is a mistake and is harmful to the workman and the Government and should be repealed.

I earnestly hope that your committee will not report the bill favorably.

Very sincerely,

J. E. PATTERSON.

[Penberthy Injector Company.]

DETROIT, MICH., March 4, 1908.

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We have been advised of the eight-hour bill which is under discussion in the committee, and we desire at this time to enter our protest against the passage of any eight-hour law as proposed.

The objections we see to this law are that it curtails the output of one's plant, which necessarily adds to the cost of production and helps an advance in price, which comes out of the public; as it cuts off one-fifth of the hours, a manufacturer must necessarily add one-fifth to his plant to do the same work. This would not only mean an immense outlay for additional machinery, but in many cases the building of entirely new buildings to permit of this increase in machinery to balance upon the production. This would work inestimable hardships on many manufacturers who are working at the present time to the limit of their capacity and where their bank credit is strained to the utmost. It would enable a rich firm or corporation to make these additions and alterations to the detriment of the smaller manufacturer, who could not do this.

We can not from our standpoint see how any body of men could contemplate for one moment such a bill if it is proposed to apply at any time to the manufacturing industries of this country. We certainly hope that the committee will prevent the bill being passed.

Yours, truly,

PENBERTHY INJECTOR CO.,  
S. OLIN JOHNSON, President.

[Paine Lumber Company, Limited.]

OSHKOSH, WIS., March 2, 1908.

HON. JOHN J. GARDNER,

*Washington, D. C.*

DEAR SIR: Permit us to express our hope that you can oppose the passage of the Gardner eight-hour bill (H. R. 15651). We are large employers of labor and have had experience in this line for forty years. We believe that measures of this kind have a tendency to discourage enterprise, industry, economy, and thrift in employees.

In this country we believe a man should have a right to contract as he chooses if he is of age, provided sanitary conditions or police regulations do not properly interfere,  
Very truly, yours,

PAINE LUMBER CO. (LTD.),  
CHAS. NEVITT, *Treasurer*.

[Pittsburg Supply Company, plumbers', gas, and steam fitters' tools.]

PITTSBURG, PA., *February 20, 1908.*

HON. JAS. FRANCIS BURKE,  
*Member of Congress, Washington, D. C.*

DEAR MR. BURKE: We understand that Hon. J. J. Gardner, of the Atlantic City district, is about to try to report his eight-hour bill. We are very much opposed to this bill and inclose herewith a few reasons why.

OBJECTIONS, EACH ONE FATAL, TO THE GARDNER EIGHT-HOUR BILL.

The Gardner eight-hour bill, if enacted, would involve revolution and destruction to American manufacturers; it would be applied socialism by force.

It would wreck whole industries (a Senator has declared that it ought to be entitled "A bill to destroy the shipbuilding industry of the United States").

It would irretrievably embarrass, industrially and financially, hundreds, if not thousands, of plants whose product is intended wholly or partly for the Government.

It would drive hundreds of concerns out of the field of Government bidding; it might result in the establishment of Government factories.

It would be the irresistible entering wedge of new labor legislation; for the labor lobby would not stop there.

It is a proposition, by indirection and in time, to legislate the hours of labor into the private enterprises (factories, mills, and workshops) of the whole country by act of Congress.

It has been seriously considered when there were not enough men for the jobs; to urge it now, when business men want above all things freedom from agitation of every kind, is a veritable crime.

Trusting that you will do what you can against same, we are,

Yours, truly,

PITTSBURG SUPPLY COMPANY,  
O. F. FELIX, *Secretary and Treasurer*.

[Phoenix Lumber Company.]

SPOKANE, WASH., *March 7, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Herewith beg to protest earnestly against bill (H. R. 15651) known as "The Gardner eight-hour bill," which I consider to be extremely dangerous and ruinous to the best interests of our country.

Doubtless protests will be coming to you from everywhere in the country, and, not to infringe upon your valuable time, I refrain from entering into details, which you, I take it for granted, will have received to the fullest extent.

Very respectfully,

E. F. CARTIER, *President*.

[Prendergast Lumber Company.]

ST. LOUIS, *February 28, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I write to protest against the passage of the Gardner eight-hour (H. R. 15651).

Experience has well shown that the eight hours for a day's labor has not proved for the good of labor, either as to prosperity or contentment, and ~~what is more~~ has proven to work against honesty, integrity, and morality in the

The passage of this bill also would be a step toward eight-hour employment, which would work confusion, and worse.

Yours, truly,

J. JAMES



[Peerless Laundry Company.]

ST. LOUIS, MO., February 28, 1908.

Hon. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We most respectfully ask you to record your disapproval on the above-named bill. If this bill should be reported favorably in the committee it would create strife in the labor market and be unfair to employer as well as employee.

Very truly, yours,

PEERLESS LAUNDRY COMPANY.  
By A. C. WIRTH.

[Page Woven Wire Fence Company.]

ADRIAN, MICH., February 29, 1908.

Hon. JOHN J. GARDNER,  
Washington, D. C.

DEAR SIR: Our attention is called to the eight-hour bill, H. R. 15651, and the fact that hearings are now in progress before your committee. We trust the showing by the manufacturing and business interests of the country will be sufficient to convince the committee that this measure ought not to be reported out. We believe a careful analysis of the bill and its effects will force the conclusion that it will be an unwise measure.

Yours, very truly,

PAGE WOVEN WIRE FENCE CO.,  
Per L. B. ROBERTSON, Treasurer.

BUILDERS' EXCHANGE ROOM,  
Pittston, Pa., March 20, 1908.

Hon. JOHN J. GARDNER, M. C.,  
House of Representatives, Washington, D. C.

DEAR SIR: By an unanimous vote of the Pittston Builders' Exchange I was instructed as secretary to write you protesting in the name of our association against the enactment into law of bill H. R. 15651, kindly urging you to work against the passage of said bill.

Eight hours is now to a large extent the basis of a day's work in nearly all parts of the country. Why restrict the wage-earner to work only eight hours?

We as employers are not objecting to an eight-hour workday, but we do contend that a law of this kind would work great injustice not only to the employer, but to the wage-earner of the land, prohibiting him as it would from working one, two, or three hours' overtime for the overtime pay, thus curbing any ambition that he might have to increasing his income.

We believe it is wrong to deprive citizens by law of the right to make the most of the opportunities offered them. We believe that it is wrong to tie the hands of industry, whether it be the employer or the wage-earner.

That each and all should be allowed to make such contract with the other for the sale or hire of labor as conditions warrant, allowing all to make the most of those opportunities which have made this country the greatest and best for both the employees and the employer.

Hoping you may see your way to comply with our request, we are,

Yours, truly, |

B. GRIFFEN,  
Secretary Pittston, Pa., Builders' Exchange.

[Parlin &amp; Orendorff Company, agricultural implements.]

CANTON, ILL., March 2, 1908.

Mr. J. J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We sincerely trust you will oppose the Gardner eight-hour bill, House bill 15651. We believe this will be detrimental to the manufacturing interests of the United States, and everything possible should be done to defeat this measure.

Yours truly,

PARLIN & ORENDORFF CO.,  
By U. G. ORENDORFF, Secretary and Treasurer.

[Quincy Business Mens' Association.]

QUINCY, ILL., February 22, 1908.

DEAR SIR: We, the undersigned manufacturers and business men of this city, hereby enter our protest against the passage of the Gardner eight-hour bill, the title of which is H. R. 15651. This bill has been referred to the House Labor Committee and ordered printed.

As business men, citizens, and taxpayers of this great Commonwealth we ask that you use your influence in defeating this and all similar bills.

We believe this to be class legislation, that it would be destructive rather than constructive, that it would work against the best interests of the great majority of the American people, and that it would be legislation in favor of classes against the masses.

Respectfully submitted for your consideration.

Joseph Knittel Show Case Co., by J. Knittel, treasurer; Ebert & Shanahan; Monroe Drug Co.; Gem City Transfer Co., C. W. Breitwieser, manager; W. T. Henning; Cadogan Hatcher Mfg. Co.; James M. Irwin; J. L. Niswander; Miller Bros. Transfer Line; Weems Laundry Co., F. H. Weems, treasurer; Berghofer Mitchell Co.; Pure Ice Company, Wm. H. Woodruff, secretary; E. M. Miller & Co., B.; Collins Plow Company, per J. W. Brown, secretary; McMein Printing Co., W. H. McMein; Quincy Show Case Works; Central Iron Works, H. Lechtenberg, secretary-treasurer; Roeder & Greemann; C. H. Wurst Co., C. H. Wurst; The Henry Knapheide Wagon Co., per H. E. Knapheide, treasurer; Geo. Von de Haar; A. Roehl; Kochler & Koch; Excelsior Stove & Mfg. Co., John J. Fisher, president; Fick Coal Company, W. C. Fick, manager; W. D. Meyer; Enterprise Pub. Co., H. H. Rickmyer; Buerkin & Kaempfen; Quincy Pattern Co., per E. W. C. Kaempfen, treasurer; C. H. Peacock; Michelmann Steel Construction Co., W. F. Gerdes, superintendent; George Rupp & Bros. Company, per Geo. Rupp, secretary and treasurer; H. M. Sheer Co., by H. M. Sheer; Stationers' Manufacturing Co., by H. F. Dayton, treasurer; Reliable Incubator & Brooder Co., J. W. Myers, president; The Mulliner Box & Planing Co., per E. S. Mulliner, secretary; W. T. Sprague; W. H. Konantz; Chas. H. Cottrell; Tenk Hardware Company, Rudolph Tenk, secretary & treasurer; The E. Best Plumbing & Steam Heating Co., per E. Best, president.

[Quaker City Rubber Company.]

PHILADELPHIA, PA., February 18, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I respectfully protest against the eight-hour bill, H. R. 15651, which you have recently introduced, as being unfair and class legislation, one which I think will injure the business interests of the country and in all probability will be the forerunner of broader and more general eight-hour-day legislation, which would invade our very homes.

I sincerely hope that the subcommittee of the House Committee on Labor will not report this bill favorably. We are having enough business troubles, and they are likely to continue now for the balance of this year; and class legislation of this objectionable kind will certainly not tend to help put business conditions in better shape.

Yours, very truly,

C. A. DANIEL.

[Quintard Iron Works Company.]

NEW YORK, February 19, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

SIR: We desire to register our opposition to the passage of the proposed eight-hour bill which we understand is before your committee.

Like other people in a similar line of business in this vicinity, we are now running our works nine hours a day with an eight-hour Saturday, and our experience shows that this, at the present time, is about all the reduction in hours that this business

We are practically prevented from bidding on certain work which demands an eight-hour day and on account of the disorganization which will inevitably follow by endeavoring to carry on the two systems at one time.

The fact that certain work is offered with a limit of an eight-hour basis and the proposed eight-hour bill now before you offer a serious handicap to the manufacturing business which is now suffering a serious falling off. Our business at the present time is carrying all the burdens that it can stand.

Respectfully,

QUINTARD IRON WORKS COMPANY,  
GEORGE Q. PALMER, *Treasurer and General Manager.*

[Roane Iron Company.]

CHATTANOOGA, TENN., March 2, 1908.

HON. JOHN G. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I desire, not only on my own account but in the interest of our people engaged in manufacturing and mining in this section, to protest most earnestly against the passage of the eight-hour bill, H. R. 15651.

I think this is very vicious legislation and not really to the interest of either manufacturers, miners, or laboring men. It seems to me that we are all suffering from too much legislation, and if matters could be allowed to go along quietly the country would recover and everybody would be better off.

Do not let this bill become a law.

Yours, very truly,

H. S. CHAMBERLAIN,  
*President.*

[Reed Manufacturing Company, steam fitters' tools.]

ERIE, PA., February 20, 1908.

HON. ARTHUR L. BATES,  
*Washington, D. C.*

DEAR SIR: I wired you this morning as follows, and wish to confirm same:

"Please use every effort and influence against the Gardner eight-hour bill."

In explanation will say that we would consider the passage of the Gardner eight-hour bill as a serious menace to every manufacturer.

It seems to be of narrower application than any previous propositions, but its passage would be sure to be the opening wedge to a general eight-hour day in private employment.

We trust that every possible influence will be used by you against it and urge such effort.

Very truly, yours.

REED MANUFACTURING COMPANY,  
P. D. WRIGHT, *President.*

[Racine Boat Manufacturing Company.]

MUSKEGON, MICH., February 19, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that you are about to introduce an eight-hour bill, H. R. 15651. This bill in our opinion will impose a hardship upon manufacturers in general, and we wish to enter our protest against same and trust that you will give both sides of this question your careful and impartial thought.

Yours, truly,

RACINE BOAT MFG. CO.,  
Per W. J. REYNOLDS, *President.*

[Russel Wheel and Foundry Company.]

DETROIT, MICH., February 18, 1908.

MR. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: I have in my hands the printed copy of H. R. 15651. I can not too strenuously deprecate the passing of such a measure that would embarrass hundreds

and thousands of industrial plants in this country and even destroy many of them. We have distributed many thousands of dollars to workmen in payment for labor upon Government work and hope we will not be prevented from figuring in the future. The passing of this bill would absolutely do this, and God pity our land if the Government should start factories in addition to the burden of so many municipally owned and controlled utilities of our country.

I am, yours, very truly,

WALTER S. RUSSEL.

[The Roberts Brass Manufacturing Company.]

DETROIT, MICH., February 20, 1908.

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

HONORABLE SIR: We notice with very much regret that there is to be an effort put forth to enact the bill H. R. 15651. The same would be very detrimental to our business. We frequently bid for and do manufacture a considerable quantity of brass goods for Government use, and if this bill becomes a law we would be compelled to refuse to make any further bids for such work, and we respectfully enter our most emphatic protest against the passage of such bill.

Thanking you in advance for giving the above your favorable consideration, we remain,

Very respectfully, yours,

THE ROBERTS BRASS MFG. CO.,  
D. H. ROBERTS, *President and General Manager.*

[J. Regester's Sons Company, brass work.]

BALTIMORE, February 22, 1908.

MR. JOHN J. GARDNER,

*Chairman Subcommittee on Labor, Washington, D. C.*

DEAR SIR: As you are considering the eight-hour labor bill, we as manufacturers and employers of about 200 hands want to set before you the fact that it will be a great hardship to us and everybody in our line of business if this bill is reported favorably by you and it becomes a law.

We think it applies socialism by force and will surely be a great detriment to numbers of large manufacturers in the United States, and in our humble opinion it will not help the laborer at all, but will rather have a tendency to destroy what little ambition he has.

This is a very serious matter when looked at by a manufacturer, and we only wish that we were able to eloquently describe our opposition to the passage of this bill.

Hoping that you will give our weak attempt your serious consideration, we remain,

Yours, respectfully,

J. REGESTER'S SONS COMPANY.  
S. W. REGESTER, *Manager.*

[Ravenna Lamp Factory.]

RAVENNA, OHIO, February 3, 1908.

HON. JOHN J. GARDNER,

*Washington, D. C.*

DEAR SIR: We wish to go on record in reference to Gardner bill, which is known as H. R. 15651, as being unfair and would work a great hardship on manufacturers throughout the country.

Yours, very truly,

RAVENNA LAMP WORKS.  
W. H. STILES.

[Remington Machine Company, brass founders.]

WILMINGTON, DEL., February 27, 1908.

HON. JOHN J. GARDNER,

*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: We are in receipt of a copy of the eight-hour labor bill, known as the "Gardner bill," No. 15651, and looking over the same and comparing it with the pres-

ent eight-hour law, it occurs to us that if this bill is passed it is of such a nature that it will compel manufacturing concerns like ourselves, who do quite a little work for the various departments of the Government in addition to our regular and special lines, to either decline any future Government business or to place our entire shop on the eight-hour basis, which would so interfere with our line as manufacturers regularly and for the trade, increasing the cost of the same to such an extent that it would not be possible for us to enter into competition with those manufacturing concerns who do no Government business.

We have been and are doing quite a volume of business in a small way for various departments of the Government, but as we read this bill, if it should become a law it would then become necessary for us to absolutely decline to figure on any further Government work or even to furnish them with repairs and parts of machinery, which we have already installed for them in various parts of the world.

We trust therefore that instead of using your efforts to encourage the passage of this bill, that you will do the best you can to have it held up in committee and not even presented to the House for a vote.

Yours, very truly,

REMINGTON MACHINE CO.,  
J. J. SATTERTHWAIT, *President*.

[Reeves Engine and Machine Company.]

TRENTON, N. J., *March 11, 1908.*

MR. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We understand that you as chairman of the committee in charge of the eight-hour bill will have the same up for consideration and report. We desire to protest against this measure, as we believe it unjust and against the commercial interests of our country.

Respectfully, yours,

REEVES ENGINE AND MACHINE CO.,  
CLIFTON REEVES.

[W. C. Ritchie & Co., paper boxes.]

CHICAGO, *March 16, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We wish to enter our protest against H. R. 15651, which is revolutionary and paternalistic in its tendencies and if it becomes a law would keep the business world in an indefinite foment.

At the present time what this country needs most is a chance to recuperate and regain some of the ground lost since last autumn. Even with favorable legislation the restoration of business to a volume large enough to reasonably furnish employment for the mass of unemployed will be slow. We believe all energies should be bent in this direction and that this would be the grandest thing that could at present be done for our workingmen, even though possibly such action would not be picturesque.

Trusting that you will put forth your best efforts to defeat this bill, we remain,

Yours, truly,

W. C. RITCHIE & COMPANY,  
R. H. RITCHIE.

[F. J. Römer Sons (Incorporated), contractors.]

ST. PAUL, MINN., *March 12, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: Being among the contracting firms competing on Government work, we protest against favorable action being taken upon House bill 15651, and we urge your honorable committee not to take favorable action upon this bill.

Objections are many, some as follows:

It would irretrievably embarrass, industrially and financially, hundreds if not thousands of plants whose product is intended wholly or part for the Government.

It would drive hundreds of concerns out of the field of Government bidding; it might result in the establishment of Government factories.

It would be irresistible entering wedge of new labor legislation, for the labor lobby would not stop there.

The enactment of this class of legislation would be an injustice to the employers and practically 90 per cent of the workingmen of the country and is not in keeping with the principles of this Government, giving to every man a right to work.

In the name of employing interests of Minnesota, we urge your influence to defeat this bill.

Very sincerely,

F. J. RÖMER SONS,  
Per F. H. ROMER, *President*.

[Jacob Ries Bottling Works (Incorporated).]

SHAKOPEE, MINN., March 10, 1908.

HON. C. R. DAVIS,

*Representative Third District of Minnesota, Washington, D. C.*

DEAR SIR: The active work of interests seeking the enactment of national laws detrimental to those who are employers of labor and who have money invested in manufacturing and other enterprises calls upon us the work of aiding in caring for legislation in Congress. Powerful lobbies of labor agitators, representing the American Federation of Labor, are at work in the city of Washington seeking the passage of this class of legislation; they are endeavoring to bring strong influences to bear on Congressmen from every section of the country to intimidate into voting for this class of legislation.

House bill 15651, limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, or for other purposes, was introduced on behalf of the labor interests on January 29, 1908, and hearings are now being had before the Labor Committee of the House. Unusual pressure is being brought to bear on the members of this committee to report the bill favorably. The labor interests feel that with a favorable report the bill will pass the House.

We kindly ask you to see members of the Labor Committee and protest against favorable action taken upon the bill.

It would irretrievably embarrass, industrially and financially, hundreds, if not thousands, of plants whose product is intended wholly or in part for the Government. It would drive hundreds of concerns out of the field of Government bidding. It might result in establishment of Government factories. It would be the irresistible entering wedge of new labor legislation, for the labor lobby would not stop there. It is a proposition, by indirection and in time, to legislate the hours of labor into the private enterprises, factories, mill, workshops of the whole country by act of Congress.

The enactment of this class of legislation is sought only by an organization which, allowing all its claims, represents but one-tenth of the wage-earners of the United States. It is not desired by employers nor by that vast army of workingmen who are not subject to the orders of the organization referred to, and until such time as it is desired by at least a majority of those who would be affected we believe that it would be unfair to favorably consider this enactment.

The theory of regulating the hours of labor by law is wrong and inimical to the best interests of the people of this country, be they either employers or employees. Practically all of the factories (thousands in number) competing for Government work now operate their plants on a nine or ten hour basis, and should the bill in question become a law it would compel them to run two shifts of men and operate two separate plants, one eight-hour and the other nine or ten hour basis. It is needless to say that system like this would be impracticable. The only alternative left, therefore, would be for them to retire from the Government market altogether, for while the Government may be the largest customer they have, nevertheless the percentage of goods bought compared to the purchases of other customers is but a small percentage of the whole.

Looking at this matter from the standpoint of the wage-earners, the greater portion of the goods purchased by the Government are made by men to whom wages are paid based upon the work done either by the hour or by the piece. By limiting the time these men are employed each day their wage-earning power is thus curtailed, and we believe that if their wishes were consulted that

the large percentage of them would not be in favor of any limitation by law of opportunities to increase their earnings. This is true not only of the great army of wage-earners who owe no allegiance to any labor organization, but it is likewise true of many of the members of the organization which is favorable to the enactment of this class of legislation.

It is utterly wrong for the Government to deprive citizens of the right to make the most of opportunities offered them in their various callings. We believe that it is wrong for it to tie the hands of industry, whether it be those of the owners of our factories or those of the workmen employed therein; that each and every one should be allowed to make such contract with the other for the sale or hire of labor as conditions warrant, allowing each to make the most of those opportunities which have made this country the greatest, the most prosperous, and the best for both employers and employees.

Prompt action is what is necessary if this bill is to be defeated. We urge you, in the name of the employing interests of Minnesota, to act at once, and greatly oblige,

Very truly, yours,

JACOB RIES BOTTLING WORKS (INC.).  
By JACOB RIES, *President*.

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[The Reynolds & Reynolds Company, stationers and printers.]

DAYTON, OHIO, *February 29, 1908.*

Hon. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: We wish to express our unqualified objection to H. R. 15651, introduced by Mr. Gardner, of New Jersey. It seems to us to have it become effective would work a great hardship to a large number of employers who are incidentally connected with work for the Government. The manner in which labor unions are endeavoring to force their drastic measures upon employers, even bidding defiance to the Supreme Court of the United States, certainly demands a check by the representatives of not only these, but by far a greater proportion of those who are outside the unions, but also of those who are willing to grant labor its just rights, but are not willing to be rough-riden by so small a majority of the laboring classes, to say nothing about the employer, who has not only now but at all times a strenuous fight to maintain his commercial standing and give his employees a fair wage for their labor.

Very truly, yours,

THE REYNOLDS & REYNOLDS CO.,  
L. D. REYNOLDS, *President*.

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[L. M. Rowland & Co., contractors.]

KANSAS CITY, MO., *February 22, 1908.*

Hon. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Mr. J. A. Atkinson, secretary of the Employers' Association of Kansas City, Mo., has handed us a copy of H. R. 15651, introduced by you before Congress, relative to the "limiting the hours of daily service of laborers and mechanics upon work done for the United States or any Territory, and for other purposes," and asked us to forward to you our opinion of same.

After giving the matter all due consideration we can not but feel otherwise than totally opposed to any such bill becoming a law of the United States.

As contractors we can not but see that such a bill if enacted by Congress would be as much an imposition, not only on the employer but on the employee, as the famous "blue laws" that are being enforced here are on the public. Men who are in a business where they require the services of a great number of men, such as contractors, manufacturers, etc., often are under heavy bond to execute certain work in a given time. In busy seasons it is very easy for work to fall behind. At such times it is often impossible to hire skilled mechanics. By having the men work an hour or two overtime for a few days in such cases work is caught up, the contractor's bond forfeiture saved, and the men satisfied, they having received a bonus for the extra time they have put in. At times when the country is in a condition as it now stands, when the financial troubles

shut off the sources of employment to thousands of laborers, then is the time when such an act would be a detriment to the working man. As they are, as a rule, hired by the hour and not by the day, a man is only too glad to work nine, ten, or even eleven hours per day, so that he may be enabled to support his wife and children. As a large class of men have been unable or have neglected to adapt themselves to a trade and are unable to draw wages in eight hours sufficient to support a large family, such an act would not only cause want among the poorer class, but would cause more of the slugging and robbing that at times the city officials are unable to stop.

We trust that we have not taken too much of your valuable time, but that this will help to convince you that this proposed act would be anything but a benefit to the public. Hoping that this bill fails to pass Congress, we remain,

Yours, respectfully,

L. M. ROWLAND & Co.,  
Contractors.

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[Raynor & Taylor (Incorporated), printers.]

DETROIT, MICH., *February 24, 1908.*

HON. EDWIN DENBY, *Washington, D. C.*

DEAR SIR: As business men we wish to protest against the passage of the Gardner eight-hour bill.

We look on this bill as a measure that will in time legislate the hours of labor in all trades to the great detriment of manufacturers in all lines of trade.

It is not got up for the benefit of the people at large, but only for members of labor unions, who comprise but a small number of our working population.

It would be the entering wedge of new labor legislation, for the labor unions would not stop there.

There are many other good reasons against its passage which we have not the time to enumerate, but which you have undoubtedly heard.

Hoping that you can see your way clear to vote against this bill, which we know is against the best interests of your constituency, we remain,

Yours, very truly,

RAYNOR & TAYLOR.

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[The F.W. Roberts Company, catalogue makers.]

CLEVELAND, *February 24, 1908.*

HON. JOHN J. GARDNER,

*Chairman, House of Representatives, Washington, D. C.*

DEAR SIR: Referring to the eight-hour bill (H. R. 15651), we wish to emphatically state it is next to impossible for a concern of our kind to cut our hours to eight. Occasionally we do a little printing for the Government and we do not care to cut this work out.

The eight-hour question coming up at this time is entirely unnecessary, and we wish to emphasize strongly against the passing of such a bill, as it will be against the manufacturing interests of the country at the present time.

Respectfully,

THE F. W. ROBERTS CO.

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[Russell & Erwin Manufacturing Company, hardware.]

NEW BRITAIN, CONN., *February 24, 1908.*

MR. JOHN J. GARDNER, M. C.,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that the Gardner bill (H. R. 15651) is now up for consideration by the House Committee on Labor. While we understand that the scope of the bill is somewhat less extensive than that of the McComas and Hitt eight-hour bills, nevertheless we believe that its essential principles are virtually the same, and that while it ostensibly imposes an eight-hour day upon Government employees its real purpose is to prevent the employment in Government work of any goods that are produced in factories running upon a nine or ten hour schedule. We have frequently expressed our opinion that, while not opposed to the principle of the eight-hour day, we nevertheless believe that it should come as the operation of natural economic laws



and not be imposed by legislative act. We would have it understood, therefore, that we are strongly opposed to the passage of this Gardner bill, and we invoke your influence to secure an unfavorable report thereon by the Committee on Labor; or if it should emerge from that committee, your opposition thereto in Congress.

Yours, very truly,

RUSSELL & ERWIN MFG. CO.  
I. D. RUSSELL, *Treasurer*.

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[Ranney Refrigerator Company.]

GREENVILLE, MICH., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We are advised that a bill has been introduced, bearing your name, H. R. 15651. We would respectfully put in a protest against the passage of such a bill as that, as we fully believe that, especially to small cities and towns, it would work an injustice to manufacturers.

Thanking you in advance for giving this matter your attention, we remain,

Yours, truly,

RANNEY REFRIGERATOR CO.,  
F. E. RANNEY.

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[Reliance Manufacturing Company, work shirts.]

CHICAGO, *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to the House bill 15651. You know the feeling on the part of all manufacturers in regard to a proposition of this kind, and we certainly feel that the employing world, especially in these times, should be heard before a thing of this kind goes through. It is of too vital importance to labor through the employer to be reported favorably without hearing the other side fully.

Very truly, yours,

RELIANCE MANUFACTURING COMPANY,  
M. F. GOODMAN.

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[F. S. Royster Guano Company.]

NORFOLK, VA., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that your eight-hour bill (H. R. 15651) will soon be before the House Committee on Labor. We beg to say that we would regard a law of this kind as very injurious to the manufacturing interests, and, as large employers of labor, we hope that no such law will become effective. With such laws as this we do not see how manufacturers can hope to compete with the countries that have no such law. In fact, a law of this kind would eventually mean the turning over of our business to labor unions. We can not imagine any worse law than a law regulating the hours of labor of private persons.

Yours, very truly,

F. S. ROYSTER GUANO COMPANY,  
C. F. BURROUGHS, *Vice-President*.

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[E. P. Reed & Co., ladies' boots and oxfords.]

ROCHESTER, N. Y., *March 13, 1908.*

LABOR COMMITTEE, HOUSE OF REPRESENTATIVES,  
*Washington, D. C.*

GENTLEMEN: There is a bill before your committee for consideration, making eight a legal day's work for all employees of the Government. We are opposed to

such measure on the grounds that it brings all manufacturers into competition with the Government, which is unfair and unjust. We express ourselves that you may know how some at least feel on this subject, and trust that the bill may never see light, but may be pigeon holed.

Yours, very truly,

E. P. REED & Co.

[Robson Smelting Company.]

BUFFALO, N. Y., March 5, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I am advised that a bill, H. R. 15651, which comes close to being a national eight-hour law, is up for consideration before the Labor Committee. I earnestly request that you throw all the influence possible against the favorable consideration of this bill. The reasons are many. First: It is unfair to manufacturers to compel them to reorganize their entire shop conditions in order to bid on Government work. A nine or ten hour day is neither unfair nor a hardship. On the contrary, it is, to a certain extent, a blessing in disguise. I can cite an instance where the time spent by union men in a saloon after they cease employment at 4.30 has resulted to the detriment of the men and indirectly to the company which employs them, drunkenness in this case being decidedly on the increase.

The eight-hour bill, if enacted, would throw hundreds of manufacturing companies out of Government bidding, or if they were in a position where such bidding is necessary, it would be socialism applied by force. The bill would be a wedge for the new labor legislation, which would be, as it generally has been, both unconstitutional and unfair.

The whole proposition is one which would directly legislate the hours of labor in every industry in this country. It would serve further to embarrass commercial conditions, which even now are among the worst in the history of American manufacturing.

Do not allow your vote to be one which might help to cripple the interests of the country.

Thanking you, I remain,  
Very truly, yours,

L. O. ROBSON,  
*Manager.*

[Rivett Lathe Manufacturing Company.]

BOSTON, MASS., U. S. A., March 23, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee, if passed, will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

RIVETT LATHE MFG. CO.,  
E. RIVETT.

[Regan Brothers, bread bakers.]

MINNEAPOLIS, March 20, 1908.

HON. JOHN J. GARDNER, M. C.,  
*Washington, D. C.*

DEAR SIR: We desire to respectfully urge you to oppose H. R. 15651 "limiting the hours of daily service, etc."

We ask your opposition to this bill because we believe it is unconstitutional and is unfair and un-American, because it seeks to do by law for some of our citizens things that our laws do not do for all.

It is possible that it is wise and within the power of Congress to enact a law which dictates how many hours shall constitute a day's work, but we believe that when such a law is passed by Congress that it should be universal in its application, and should make the same law cover and protect the laborer on the farm, the clerk in the store,

the employee in the office, the men working in the street, as well as the comparatively few citizens who may be employed by or who do work for the United States Government.

While it is possible that at some time it may become wise and desirable to establish by law a fixed number of hours for a day's work for all of our people, we do not believe it is wise and patriotic now, or that it very well becomes us to pass a law which absolutely deprives an individual of his right to work or to contract for his work to extend over more than a fixed number of hours per day.

The time may arise, possibly sooner than any of us now expect, when it may become absolutely necessary for the defense of our country that men employed by and who work for the Government of the United States shall work to the utmost of their ability to provide arms, ammunition, clothing, and all other articles needed by the Government for its defense or preservation.

Climatic conditions in certain sections of our country make it wise and desirable that men working in certain lines of occupation shall be permitted, during favorable weather, to work longer hours during the favorable season, because of the fact that at certain other seasons of the year they are unable to pursue their occupation at all, and the necessary work to be done both for the Government and for private parties may require that it be hastened to completion at a time when it is possible to do so.

The same argument applies in favor of the agriculturist being permitted at a time when his crops or fruit are ready for the harvest, and possibly may be threatened by approaching storms or frosts, that everyone concerned should work as long as possible in order to save the results of the year's labor; and we feel and desire to maintain in this letter the fact that the same law should cover and protect the agricultural worker as much as the workers in any other walk of life, and, on the other hand, that no class or part of our citizenship is entitled to any law which gives them benefits or protection not provided for all.

For the above and for many other reasons which might be embodied in our protest we respectfully urge your opposition to said bill No. 15651, and remain,

Respectfully, yours,

REGAN BROS.

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[James H. Roberts & Co., Shafting, Hangers, Pulleys.]

BOSTON, *March 21, 1908.*

HON. J. J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee if passed will greatly handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Yours, very truly,

JAMES H. ROBERTS & Co.

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[Telegram.]

ERIE, PA., *February 20, 1908.*

HON. ARTHUR L. BATES,  
*Washington, D. C.*

Please use every effort and influence against the Gardner eight-hour bill.

REED MFG. CO.

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[Rand, McNally & Company, printers and publishers, incorporated 1873.]

CHICAGO, *March 19, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We beg to enter our protest against the passage of the Gardner eight-hour bill (H. R. 15651).

At the present time we believe the passage of such a law would work a serious injury to the general business of the country.

We hope you will use your best efforts to defeat such a bill, and by doing so you will greatly oblige,

Yours, truly,

RAND, McNALLY & Co.,  
JAS. McNALLY, *Vice-President.*

[David Lupton's Sons Co., architectural sheet metal work.]

PHILADELPHIA, February 24, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We beg to submit that in our opinion the passage of a compulsory eight-hour workday would work a great hardship upon manufacturers.

The hours of labor should be as few in number as is consistent with all the complex problems that enter into modern business. A manufacturer operating ten hours a day, to reduce his working hours by 20 per cent would certainly suffer in loss of output and would have to increase his investment in proportion with compensation.

The general outcome of reduction in hours of labor is to increase cost of production, as employees are unwilling to have their weekly income reduced in proportion to the reduction in hours of labor; consequently the increase in cost is 25 per cent.

The present hours are not excessive, and whilst the tendency of the times may be toward shorter hours, it should not be forced, thus giving an opportunity for adjustment of conditions.

Yours, truly,

DAVID LUPTON'S SONS CO.,  
Per DAVID D. LUPTON.

[Standard Brass Works.]

DETROIT, MICH., March 3, 1908.

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: As we understand it, there is before your honorable committee for consideration the matter of the so-called eight-hour bill.

We shall not attempt to refer in detail to the injustice of such a bill, as of course the manufacturers' side of the proposition will be put before the committee much better than we could do in a letter, but as large employers of labor we beg herewith to respectfully protest against the passage of this bill because there is no doubt of it being unfair to the honest workingmen and a hardship to the capital employed in industrial enterprises of every character. We therefore repeat that we respectfully protest against the passage of such a bill and trust that the committee having it under consideration can see that disastrous results would follow.

Very respectfully,

STANDARD BRASS WORKS,  
A. F. BLESCH, *Manager*.

[The Stein-Bloch Co., tailors.]

ROCHESTER, N. Y., March 2, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee,*

*House of Representatives, Washington, D. C.*

DEAR SIR: We respectfully urge our protest against the passage of House bill 15651, proposed by yourself and known as the "Gardner eight-hour bill." We believe that this measure is wrong in principle, and that its passage would mark the beginning of an era of disaster to industry in this country, and would also tend to weaken and impair the broad principles of constitutional freedom in the matter of contracts, etc., which it is the proud boast of our country our laws provide to employer and employee alike.

Very respectfully, yours,

THE STEIN-BLOCH CO.

[Stuart R. Carr & Co., iron founders.]

BALTIMORE, February 29, 1908.

HON. JOHN J. GARDNER,

*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: As manufacturers who at times contract or subcontract for cast-iron work with both the United States and District of Columbia, we most respectfully protest against the passage of the bill "limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory or for the District of Columbia, and for other purposes" (H. R. 15651).

We are working our plant now on a nine-hour schedule, and find that that time is really too short for the economical production of the class of work we are engaged in making. As you know, the casting of molten metal into sand molds is not a process that can be controlled to the minute, and it would work a great hardship on us and disorganize our business to be compelled to comply with the provisions of the proposed law.

As we see it at this time it will simply result in our dropping out of Government work, as it would be impossible to work part of our plant eight hours and part a longer time, and equally impossible to work the whole plant on eight hours and continue to do commercial work.

In changing from the ten-hour day to the nine-hour some years ago we were assured by representatives of labor unions that we would get the same amount of product per man, but we have found that practically that is not a fact. Mechanics as a rule are disposed to restrict production as much as possible, and it is our experience that even where the amount produced is as much as with the longer day, the mechanic requires so much more assistance than formerly that the cost to the manufacturer is very largely increased.

In our opinion the proposed law is unwise and impractical, and we trust that it will not pass.

Very respectfully,

STUART R. CARR & Co.,  
J. B. CARR.

[W. H. Shepherd & Sons, general contractors.]

WILKES-BARRE, PA., March 30, 1908.

Hon. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: Anticipating being called to Washington in opposition to the eight-hour bill now before Congress, I have just been informed that the hearings before the committee on this bill are over for the reason that you have decided it would be as well, perhaps, to hold no more public sessions, but receive written arguments for and against this bill, the intention being, if I am correctly informed, to make such written arguments a part of the printed record of the hearings. Acting, therefore, upon this suggestion, I am prompted to submit the following statement or argument with the request that you permit the same to be made a part of this record:

I am opposed to the eight-hour bill now before Congress for many reasons, chief of which are the following:

There would seem to me to be no good reason why such a bill should be enacted by Congress, restricting citizens in the hours of labor. The United States, second to no country on earth in point of real progress, working and living conditions, and opportunity, is great because of the very fundamental principles which are part and parcel of the Constitution of the country. Certain it is that the men who framed and laid down the laws for the operation of the young Republic, over one hundred and thirty years ago, were wise beyond their time. The personal liberty of the people of almost all civilized nations of the earth was so restricted that it was only in God's own country, such as ours, that men were inspired to work out a constitution that has endured all these years and permitted the peaceful development of a people in a short space of time from a savage and primeval state to that of the richest and most enlightened people of the earth. The highest offices, the gift of the people of the country, are open now, as always, to any man who by endeavor, industry, and sobriety is ambitious enough to want to advance from the common laborer to the highest vocation or position in the land. It is not by restricting the hours of labor that such a condition is brought about. The eight-hour bill is not an act or law demanded by the American people as a class; it is not demanded by the American workmen; is not demanded by the manufacturers and business men of the country, and is not demanded in the interest of the perpetuation of those principles of Americanism which we, as citizens of this country, have a right to demand for the benefit of our children. How many men in one's own community, who to-day are representative men in their several walks of life, who have been successful, will tell you that it was done on a short day's work? Will they not say their start in life was secured only by many earnest hours of daily labor and that restricted hours would have worked out but a measure of success, if success at all? And if eight hours, why not six or four or less, or

none at all? Why stop at eight, once the principle is established? Who, then, is it that demands the enactment of a law that would, under heavy penalties, refuse permission to an ambitious workman to work as long as he pleases and for whom he pleases and for what wages he pleases? I have put it this way because all these questions are involved in the eight-hour bill and they can not be lost sight of. Certain politicians, some labor leaders, and agitators are demanding the enactment of this bill in the interest of so-called labor classes and because of the fact that there is a belief that they are catering to the present needs of the body politic or their clientele.

Labor leaders and agitators are demanding, with kindred organizations, the passage of this bill in the interest of their organizations and, ostensibly, so they would have us all believe, in the interest of all workmen. The passage of such a bill directly encourages the immigration to this country of paupers, criminals, socialists, anarchists, the lazy, the undesirable, the dissatisfied, the worst element of the old world's peoples, who are readily drafted in organized labor's ranks, which lowers the standard of citizenship by so doing. Such threatened legislation has encouraged within the last few years the greatest immigration that this country has ever seen. The lowest classes ever known in the history of the Immigration Bureau of this country, the lowest in physical vigor and intelligence, in health and in morals, pass through the gates and are clamoring for work and for support all over the country. Organized labor, in demanding an eight-hour day, is directly making provision for the employment of such classes either as laborers or in the trades, ostensibly, but in reality is recruiting its membership from this fruitful and foreign field. The high-class, sturdy immigrants of northern Europe, who are especially fitted to become good citizens here, are now in the great minority. The American workmen are largely too intelligent to readily lend themselves to the aggressions, boycotts, and outrages of a similar kind demanded, allowed, and defended by a labor trust, which is one of the greatest trusts in this country to-day.

The spectacle is presented of about one-sixth or one-seventh only of the working classes known as organized labor seeking the enactment of laws favoring encroachments upon the liberty of the people as a whole, the elimination of all ambition, skill, and ability, and the complete slavery of the working classes. The spectacle is presented of the country at large, made up of workmen and mechanics, many, many times the number that are enrolled in the labor unions, being forced by lack of organization and by the enactment of laws favorable to organized labor, of gradually losing the rights and privileges which have been theirs for generations. Even so, in reality, a great majority of the men who are members of the labor unions to-day want and demand, so far as they can be heard, longer hours of labor and a return of fairer conditions of employment than is permitted them, not by their employers, but by their real bosses, the labor leaders and agitators.

In an experience extending over nearly forty years which this firm has had as an employer of labor we find that the hours of labor in the building trades have been reduced in this community in the last eight years 36.36 per cent. We find in the same period that the price of labor, meaning that of general house-building mechanics, have risen over 70 per cent, as an average. We find that ambition, which has always been a notable characteristic of the American as a worker, has departed in the largest possible sense. We find that mechanics are no longer being trained with that dexterity, skill, and ability which has distinguished always the American workman. Worse yet, the enactment of restrictive laws in favor of a certain class of people has made possible changed conditions, wherein an employer is regarded not as a friend, but as an enemy of labor. Worse than this is the restriction of apprentices, which is criminal, which is outrageous, and which is unlawful. Also the restriction of output, which has fallen off 100 per cent in certain lines of business, is outrageous, wasteful, and extravagant, and, properly speaking, should demand the enactment of laws to preserve for the people as a whole some sense of equity that would prevent the rise in prices of commodities and the necessities of life. Such inflated values are the direct consequence and result of the restricted output, the shorter hours of labor always granted with the same wage, the menacing front of organized labor which forces weak employers, merchants, and manufacturers to grant any or all demands, without regard to the far-reaching effect of the consequent false values placed on merchandise or manufactures. It is some such condition as follows the demands that have been made in recent years upon the Government by the labor trust, and it is in a large sense, I would say, that the present cessation of business and retrenchment is to be charged.

I admit in advance and as a matter of course that there are other and more potent factors in the present depression of business. Wherein, I would ask, does the workman profit by enacting shorter hours of labor at constantly increased pay, which as surely marks up the price of every commodity and necessity in life, making ever possible a lessening purchase price of every dollar earned? Class prejudice and hatred are engendered, unrest seizes the people, and the baser passions of the classes are appealed to to find or bring forth a Utopian existence. Look abroad and note, in Australia and New Zealand particularly, the effects of similar measures; note the enslavement of the people, the extinction of trade and commerce, money seeking an investment elsewhere, and note the migration of those who have risen above the common level.

It is useless for one to affirm that the passage of an eight-hour bill does not necessarily tie up the employment of men in favor of union men only and in favor of class interest; it becomes impossible to employ the free or nonunion mechanic on any buildings or work whatever for the Government, upon which, as a citizen, he has an alienable right to work; it becomes impossible for him to be employed upon county or city work, which follow in the footsteps of the National Government through political and other reasons; it becomes largely impossible for him to be employed upon private work in many cities of the country because of the affiliations, local prejudice, or cowardice of the people which favor a class of people who, by threats made even in the halls of Congress, endeavor to obtain (as has been so often reported) the enactment of laws favorable to them. There would be no great harm done in favoring such classes of people if such favoring did not carry with it positive injury to other and much larger classes of the people. But it is not just, it is not reasonable, to restrict manufacturers and to restrict workmen as to the hours of labor for the benefit of class interest and for the benefit of foreign classes as against home interests. It is not fair, it is not economical, it is not right in any sense to tax the people of this country as they must be taxed through the enactment of laws raising the price of labor, restricting the employment of the best and most intelligent of its citizens, thwarting ambition, and putting the stamp of the Government's approval upon the vicious, the lazy, and in some cases the criminal part of its population.

Arguments could be advanced for hours along the line of opposition to such a bill. The most difficult thing is for one having had experience broad enough to permit him to express himself, i. e., to speak on the subject in a rational and reasonable way and to avoid language which might be extravagant and which apparently would lack calm reasoning.

In looking into this eight-hour question last year with the men in our employment, at that time over 100, we found but 2 men in our force who did not express themselves in favor of working a greater number of hours a day than eight. A great many men sought the additional compensation which nine or ten hours would give them, because needed for the proper support of their families, and only 2 men expressed themselves as being unwilling to work more than eight hours a day. Therefore, is such a bill as is proposed in any sense to be considered a popular measure or one that would benefit the people as a whole? Of what advantage would it be? Why smother the activities of business and of commerce? Why increase the pauper classes, which must needs be sustained and supported as a direct result of civilization and to support the jails, courts, and workhouses and insane asylums by taxing the people for continued increased demands, most of which comes from the dumping into this country of the lowest of God's creatures, who come here to better their conditions and for the work which can be so easily obtained at prices three to ten times what is paid them in their own country. As liberty-loving people, as an asylum for those of our fellow-creatures who elsewhere can not get the liberty of conscience and the liberty of act, as they can here, we have certainly done our share in the years since the Republic was established. If this bill is necessary to change modern conditions as to labor, to make further accommodation, it would seem to us to be a part of the duty of Congressmen, politicians, and citizens of this country generally, to enact legislation which would no longer permit of the flooding of this country of such classes of the Old World who seemingly make necessary the enactment of laws and such a bill as this. Any American or any citizen of this country should be allowed to employ whom he pleases in the shape of a workman or a mechanic, at whatever can be mutually agreed upon as to wages and such hours as the exigencies or demands of the community in which he lives would suggest, or the demands of the people who live by and for the trades which are specifically affected. A laborer to-day, a mechanic to-morrow, a business or professional man the day after, a statesman,

an honored citizen of the country the next day, maybe, are the premiums which are offered to the citizens of this country for a condition of activity, industry, and sobriety and for the exercise of those privileges granted them by the laws of this country for their own peace, prosperity, and happiness, all of which make for the highest type of citizenship.

One can well examine the testimony of both capital and labor, for and against this bill, and, considering both from the mass of argument, can turn to those more directly affected—the people. It is not the employer, singly or in combination, who adds always—as he must—to his price the constant advance which labor demands; it is not the laborer who exacts singly or through combination the most which he can get or extort, to which the lawmakers of our Government need give constant solicitation, care and aid, but it is, on the contrary, to the great American public, the American people, the Republic, if you please. These you must maintain, foster, and preserve as life itself. Between these two millstones, grinding always, are the people. All are necessary for the public life. All must be directed with judgment and skill. All must follow, hand in hand, with the laws of our country, which, thank God, are good enough to insure happiness and peace and prosperity to all of its people.

I sincerely trust that there will be afforded all classes of the people an opportunity to be heard upon such a question. We are members of many organizations; we are in touch with many sections of the country; we have the strongest and broadest sympathy for the workingmen, for the reasons stated herein, and with the full knowledge and conviction that but for these opportunities to-day almost any person can attribute their success in life in the largest degree to the wise provisions of the Constitution.

Permit me to repeat, in closing, if given no opportunity to be heard, that you will accept this as part of the record of protest entered in opposition to this bill and allow me to subscribe myself,

Yours, very truly,

W. C. SHEPHERD.

[The Shelby Electric Company.]

SHELBY, OHIO, February 28, 1908.

HON. JOHN J. GARDNER,  
*House Labor Committee, House of Representatives, Washington, D. C.*

DEAR SIR: We would consider it very unfortunate if H. R. 15651 was to become a law, and we are writing our Senator and you asking that you do not favor it. Of course we look at it from the viewpoint of manufacturers, and we believe we look at it from the viewpoint of the best interests of all. We can not see how such legislation can help things.

Yours, very truly,

THE SHELBY ELECTRIC CO.  
J. C. FISH, *President*.

[Stanley & Patterson (Incorporated), general electrical supplies.]

NEW YORK, March 4, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: The writer has looked into the general provisions of the Gardner eight-hour bill (H. R. 15651) and begs to register his protest against the bill as presented to Congress. To his mind it is vicious legislation and of the kind that does injury to every business man in the United States who is an employer of labor.

Hoping that you will do everything possible to defeat this bill and prevent its passage, I beg to remain,

Yours, very truly,

STANLEY & PATTERSON,  
GEO. L. PATTERSON, *President*.

[The Simplex Electrical Company.]

BOSTON, February 20, 1908.

HON. JOHN J. GARDNER,  
*Chairman of the House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We are informed that an eight-hour labor bill (H. R. 15651) has been introduced into the House of Congress and that hearings on it will be held before the Labor Committee beginning February 18.



It may be a little late to write at this time, but we want to enter a protest against the passage of any such bill. We should not wish to oppose any bill which was for the legitimate benefit of labor or anybody else, but to us a bill of this sort seems entirely unreasonable, when it is considered that a large proportion of the manufacturers in the United States work on a schedule of more than eight hours a day, and it would certainly be a great disadvantage to the United States Government in buying its necessary supplies. It must result in giving the business to a very few manufacturers in each line who would possibly go onto an eight-hour basis for the sake of the Government business, thus resulting in practical elimination of the competition in prices. In our own work the proportion of work which we do for the Government is quite small compared to the bulk of our business, but of course such orders as we do get are very welcome, especially in dull times, when we make the greatest effort to secure them. By taking these orders we keep in touch with Government methods and specifications which the Government officers seem to feel is desirable, so that in case of emergency the Government may have a large number of manufacturers to call upon who are acquainted with its methods and requirements.

It seems to us entirely unjust that we should be barred from a line of business by rules for working hours which are entirely contrary to the general practice. If, however, the present bill is passed we shall be obliged to retire entirely from bidding on any Government work, and this concern and its employees would suffer from loss of a certain amount of business to which it would seem it was entitled if prices and quality of the materials furnished were equal to those of other manufacturers. We trust, therefore, that this bill may not be passed.

Yours, very truly,

THE SIMPLEX ELECTRICAL COMPANY,  
CHARLES A. MORSS, *Treasurer*.

[Stamford Foundry Company.]

STAMFORD, CONN., *February 18, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We are informed that your committee has before them the Gardner eight-hour bill (H. R. 15651), and we write you now in the hope that our protest against the passage of this bill may have some weight with you.

It seems to us that the leaders of the labor unions must either be acting in desperation or from disordered minds, in at this time pressing the passage of such a bill.

The reserve funds of those mechanics who are now out of work are being the more rapidly depleted because they are paying for their necessities the increased prices resulting from the shortened hours of labor of those who produce such necessities.

A majority of those who labor seem incapable of understanding that shortened hours increase the cost of everything they themselves have to purchase, without any compensating advantage to anyone. Since they refuse to take a logical view of the question, it certainly would seem to devolve upon our legislators to avoid the passage of any message which is in line with their short-sighted policy.

With thousand of men out of employment, this is certainly a most unfortunate time to increase the costs of production unless some large portion of our people is to be directly benefited by such an increase; and this we believe it would be utterly impossible to prove.

It may be urged that this bill has to do only with Government work, even so, it is intended as a preliminary step toward bills that will directly affect all production.

We sincerely hope that you will withhold your approval from this bill.

Yours, very truly,

THE STAMFORD FOUNDRY COMPANY.  
WM. T. ANDREWS, *Secretary*.

[Southern Supply and Machinery Dealers' Association.]

RICHMOND, VA., *March 27, 1908.*

HON. J. J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: On behalf of this association I desire to enter a protest against the eight-hour bill. It appears to me that if this bill is passed it will be a species of class legislation affecting a very large majority of the solid business interests of the country and

only increase the unfortunate agitations that are coming up from time to time between capital and labor. Our association has the greatest friendship for the laboring interests throughout the country and believe that if this bill is passed it will work considerable harm to them; in fact, more harm to the laboring man than to the manufacturing interests. Trust you will make this letter a part of the printed record.

Very truly,

ALVIN M. SMITH, *Secretary-Treasurer.*

[Sub-Target Gun Company.]

BOSTON, MASS., *March 3, 1908.*

HON. JOHN J. GARDNER,  
*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: We desire to enter our protest against the passage of the so-called "Gardner eight-hour bill, for the following reasons:

1. The bill is revolutionary in character and would work great hardship on a very large percentage of concerns engaged in manufacturing for the Government.
2. It would involve radical changes and the introduction of very expensive methods to enable concerns such as ours, who are manufacturing both for the Government and for outside parties, to differentiate between Government and other work.
3. It would inevitably necessitate the placing of all our men, whether engaged on Government or other work, on an eight-hour basis, which we could not afford to do.
4. It would place practically insurmountable difficulties in the way of our successfully carrying our Government contracts.
5. We believe that the enactment of this bill would result in disaster to large interests which have been built up by years of industry and intelligent endeavor.
6. We are opposed on general principles to such legislation as tending to restrict individual liberty and as foisting enforced socialism upon the country.
7. We believe the entire business interests of the country to be opposed to such legislation.

The above are but a few of many reasons why we are opposed to this bill, the only possible excuse for the passage of which would be the desire to force radical socialism upon the country.

We are, sir, yours, respectfully.

SUB-TARGET GUN CO.,  
B. ATWOOD ROBINSON, *President.*

[A. L. Swett Iron Works.]

MEDINA, N. Y., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that the Gardner eight-hour bill will soon have a hearing before the committee.

We have been manufacturing since 1873 and employ more or less labor.

Our experience is that it is a damage both to the employer and employee to have a law that dictates as to the hours which a man can work.

I have been a laboring man myself and it was only that I could work overtime that I was able to lay up money enough to make my first start in business.

From that time forward our business has grown and both the employer and employees have prospered.

It is our belief that this bill should not become a law, and hope you will do what you can to defeat it.

Yours, truly,

A. L. SWETT IRON WORKS,  
A. L. SWETT, *President.*

[The Superior Laundry Company.]

ST. LOUIS, *March 3, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

HONORED SIR: Our attention has been called to bill H. R. 15651, and would respectfully enter a protest against same. As far as it pertains to our business, it would virtually mean our going out of existence. The additional cost of labor and

It may be a little late to write at this time, but we want to enter a protest against the passage of any such bill. We should not wish to oppose any bill which was for the legitimate benefit of labor or anybody else, but to us a bill of this sort seems entirely unreasonable, when it is considered that a large proportion of the manufacturers in the United States work on a schedule of more than eight hours a day, and it would certainly be a great disadvantage to the United States Government in buying its necessary supplies. It must result in giving the business to a very few manufacturers in each line who would possibly go onto an eight-hour basis for the sake of the Government business, thus resulting in practical elimination of the competition in prices. In our own work the proportion of work which we do for the Government is quite small compared to the bulk of our business, but of course such orders as we do get are very welcome, especially in dull times, when we make the greatest effort to secure them. By taking these orders we keep in touch with Government methods and specifications which the Government officers seem to feel is desirable, so that in case of emergency the Government may have a large number of manufacturers to call upon who are acquainted with its methods and requirements.

It seems to us entirely unjust that we should be barred from a line of business by rules for working hours which are entirely contrary to the general practice. If, however, the present bill is passed we shall be obliged to retire entirely from bidding on any Government work, and this concern and its employees would suffer from loss of a certain amount of business to which it would seem it was entitled if prices and quality of the materials furnished were equal to those of other manufacturers. We trust, therefore, that this bill may not be passed.

Yours, very truly,

THE SIMPLEX ELECTRICAL COMPANY.  
CHARLES A. MORSS, *Treasurer*.

[Stamford Foundry Company.]

STAMFORD, CONN., February 18, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We are informed that your committee has before them the Gardner eight-hour bill (H. R. 15651), and we write you now in the hope that our protest against the passage of this bill may have some weight with you.

It seems to us that the leaders of the labor unions must either be acting in desperation or from disordered minds, in at this time pressing the passage of such a bill.

The reserve funds of those mechanics who are now out of work are being the more rapidly depleted because they are paying for their necessities the increased prices resulting from the shortened hours of labor of those who produce such necessities.

A majority of those who labor seem incapable of understanding that shortened hours increase the cost of everything they themselves have to purchase, without any compensating advantage to anyone. Since they refuse to take a logical view of the question, it certainly would seem to devolve upon our legislators to avoid the passage of any measure which is in line with their short-sighted policy.

With thousands of men out of employment, this is certainly a most unfortunate time to increase the costs of production unless some large portion of our people will be directly benefited by such an increase; and this we believe it would be nearly impossible to prove.

It may be urged that this bill has to do only with Government work, even so it is intended as a preliminary step toward bills that will directly affect all production.

We sincerely hope that you will withhold your approval from this bill.

Yours, very truly,

THE STAMFORD FOUNDRY COMPANY  
WM. T. ANDREWS, *Secretary*.

[Southern Supply and Machinery Dealers' Association.]

HON. J. J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: On behalf of this association I am writing you in regard to the eight-hour bill. It appears to me that if this bill is passed it will result in a situation affecting a very large number of our members.

only increase the unfortunate agitations that are coming up from time to time between capital and labor. Our association has the greatest friendship for the laboring interests throughout the country and believe that if this bill is passed it will work considerable harm to them; in fact, more harm to the laboring man than to the manufacturing interests. Trust you will make this letter a part of the printed record.

Very truly,

ALVIN M. SMITH, *Secretary-Treasurer.*

[Sub-Target Gun Company.]

BOSTON, MASS., *March 3, 1908.*

HON. JOHN J. GARDNER,  
*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: We desire to enter our protest against the passage of the so-called "Gardner eight-hour bill, for the following reasons:

1. The bill is revolutionary in character and would work great hardship on a very large percentage of concerns engaged in manufacturing for the Government.
2. It would involve radical changes and the introduction of very expensive methods to enable concerns such as ours, who are manufacturing both for the Government and for outside parties, to differentiate between Government and other work.
3. It would inevitably necessitate the placing of all our men, whether engaged on Government or other work, on an eight-hour basis, which we could not afford to do.
4. It would place practically insurmountable difficulties in the way of our successfully carrying our Government contracts.
5. We believe that the enactment of this bill would result in disaster to large interests which have been built up by years of industry and intelligent endeavor.
6. We are opposed on general principles to such legislation as tending to restrict individual liberty and as foisting enforced socialism upon the country.
7. We believe the entire business interests of the country to be opposed to such legislation.

The above are but a few of many reasons why we are opposed to this bill. The only possible excuse for the passage of which would be the desire to force radical socialism upon the country.

We are, sir, yours, respectfully.

SUB-TARGET GUN CO.  
B. ATWOOD BOHNSON, *President.*

[A. L. Swett Iron Works.]

MEDINA, N. Y. *February 27, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that the Gardner eight-hour bill will come before the committee.

We have been manufacturing since 1873 and employ men in the

Our experience is that it is a damage both to the country and to the

law that dictates as to the hours which a man can work.

I have been a laboring man myself and it was only by the

I was able to lay up money enough to make my business

From that time forward our business has grown and

have prospered.

It is our belief that this bill should not be passed and that we

can to defeat it.

Yours, truly,

A. L. SWETT

supplies in the last few years have been phenomenal and make it difficult for us to overcome them. If this eight-hour bill passes, we believe it will work a hardship on both employers and employees.

Trusting that you will enter your protest against this bill before the House Labor Committee, we are,

Yours, very truly,

THE SUPERIOR LAUNDRY CO.,  
CHAS. H. LANHAM, *President*.

[The James Swan Company, mechanics' tools.]

SEYMOUR, CONN., *February 25, 1908.*

Mr. JOHN J. GARDNER, M. C.,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that the Gardner bill (H. R. 15651) is before the House Committee on Labor for consideration. We wish to express to you our disapproval of the Gardner bill, as we understand it, and to ask for your influence to resist its passage. We, perhaps, are not opposed to the principle of an eight-hour working day, but we do not believe that the Gardner bill approaches the proposition correctly or that it will take care of it correctly.

Respectfully,

THE JAMES SWAN COMPANY,  
B. A. HAWLEY, *President*.

[Schuler-Mueller Company, ornamental glass.]

CHICAGO, *February 25, 1908.*

Mr. JOHN J. GARDNER, Esq.,

*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: Our attention has been called to House bill 15651, bearing on the "eight-hour proposition." You are busy, and at this late date a lengthy discussion would be out of place, but we do want to enter our "protest," if only on general principle—we do want to register our disapproval of said bill.

We beg to remain, respectfully,

SCHULER-MUELLER CO.

[The Sipp Electric and Machine Company.]

PATERSON, N. J., *February 27, 1908.*

Hon. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: The members of our firm have gone over the provisions of the eight-hour law now before Congress, and wish to voice our protest against the passage of such a measure. Besides this we feel, as American citizens, that such a law would be a death blow to the supremacy of America in the exports of the world; that is, for manufactured goods. A market once lost would take years to ever recover.

We firmly believe that any legislation which would interfere with the best possible success of business in general for the next two years would be a hardship not only to manufacturers, but every individual as well.

Yours, very truly,

THE SIPP ELECTRIC AND MACHINE CO.,  
GRANT SIPP, *President*,  
Per W.

[Sieber & Trussell Manufacturing Company, loose-leaf books.]

ST. LOUIS, MO., *February 29, 1908.*

Hon. JOHN J. GARDNER,

*Chairman House of Representatives, Washington, D. C.*

HONORABLE SIR: Our attention has recently been called to the Gardner bill (H. R. 15651), now under consideration by the House Labor Committee.

We herewith enter our protest against its passage, believing it to be wrong in principle and unfair in practice, and its effect would not only work a hardship upon the

manufacturers and others engaged in business with the Government, but react injuriously upon those whose living depends in a great measure upon the success of the numerous manufacturers and commercial concerns in this country.

We trust you will oppose its passage.

Yours, very truly,

SIEBER & TRUSSELL MFG. CO.,  
JAS. C. DAWSON,  
*Assistant to President.*

[Studebaker Brothers Manufacturing Company.]

SOUTH BEND, IND., February 26, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor,  
House of Representatives, Washington, D. C.*

MY DEAR SENATOR: I notice that you have recently introduced an eight-hour bill (H. R. 15651).

I will thank you if you will send me a copy of this bill. Also, we desire to enter an earnest protest against any measure restricting the hours of labor to eight.

We manufacturers are having a hard enough time as it is without any additional restrictions placed upon us by Congress.

There is no universal sentiment among the laboring people demanding an eight-hour day for labor.

I sincerely hope you will not find it necessary to press any such legislation.

I recall with pleasure the days when you and I were in the senate of New Jersey together, and would be glad to hear from you.

Very truly, yours,

J. M. STUDEBAKER,  
*President.*

[St. Louis Syrup and Preserving Company.]

ST. LOUIS, February 29, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I have been advised that there is before Congress a bill known as the eight-hour bill (H. R. 15651).

I most earnestly protest against the passage of this bill, as it will be detrimental to the employee as well as to the employer.

I believe that the present conditions were, to a certain extent, brought about by an eight-hour labor day, which is now in vogue by a great many labor organizations, but these conditions have brought labor up to such a high price that all commodities have become beyond reach, and should this become general, the public will be harmed by the eight-hour law more than benefited.

Respectfully, yours,

R. WINTERMANN.

[St. Paul Foundry Company.]

ST. PAUL, MINN., February 21, 1908.

HON. FREDERICK C. STEVENS,  
*House of Representatives, Washington, D. C.*

DEAR SIR: My attention has been called to the eight-hour bill introduced by the Hon. John J. Gardner, known, I believe, as House bill No. 15651. As president of our local foundrymen's association, I am asked to write you protesting against the features of this bill, and I also do it in behalf of our own company. This bill, if passed, would in my judgment have a very depressing effect on the manufacturing industries of the country.

Factories doing Government and other work can not divide their hours by putting those doing Government work on a shorter working basis and consequently less pay than their other employees working on other contracts.

It will be a wedge for a general eight-hour day, which the country does not want.

It will stop a number of factories who now do other than Government work from bidding on Government work.

The cost of Government work will probably be immediately increased from 10 to 25 per cent.

The Government should not dictate hours of labor of any class of men, but leave it to the good sense and judgment of the American people to solve this question naturally.

Industries are now suffering from enough depression, and there should be no new laws to further hamper and obstruct; if anything, relief should be given to lighten the burdens and start our industries again.

The eight-hour bill as it now stands carries with it enough burden.

This bill should be killed in the committee or unfavorably reported upon. In any event I can earnestly ask you to use your influence to arrange with the Hon. John J. Gardner, chairman of the House Labor Committee, for a hearing before the subcommittee of that committee in opposition to this bill.

Your assistance in our behalf will be greatly appreciated by the manufacturers of this district. If Mr. Crosby, of the American Hoist and Derrick, were here, I know he would strongly oppose this bill, but at present, however, he is off for a long rest and can not now be reached.

Yours, truly,

C. M. POWER,  
*President Twin City Foundrymen's Association.*

[Smith & Sons Manufacturing Company, hay machinery and grading tools.]

KANSAS CITY, MO., *February 21, 1908.*

HON. J. J. GARDNER,  
*Washington, D. C.*

DEAR SIR: Referring to bill H. R. 15651, limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes, referred to the Committee on Labor and ordered to be printed, we sincerely hope that this bill will not be favorably reported by your committee.

The passage of this bill would result in very little permanent benefit to the petitioners, and would merely be the entering wedge to precede other and more dangerous measures.

Sincerely hoping that you can see it is right and to your interest to grant this request, we are,

Respectfully, yours,

SMITH & SONS MFG. CO.,  
By WM. J. SMITH, *President.*

[Sullivan Machinery Company, mining and quarrying machinery.]

CLAREMONT, N. H., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We protest against the proposed eight-hour bill, H. R. 15651, as manufacturers have difficulties enough to successfully manage their business without being restricted by such legislation as proposed in the eight-hour bill.

Yours, very respectfully,

SULLIVAN MACHINERY COMPANY,  
J. D. UPHAM, *Treasurer.*

[Joseph H. Stone, contractor for buildings.]

KANSAS CITY, MO., *February 21, 1908.*

MR. J. J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: My attention has been called to the bill which you have introduced into the House with the object of limiting the hours of daily service of laborers and mechanics employed upon work done for the United States.

I wish to protest against any further legislation that will still further handicap and restrict freedom of action on the part of contractors who take Government work.

I know that it is a good thing for laborers and mechanics as a rule to not work more than eight hours, yet it frequently is the case that the contractor finds it necessary to

do so, and the Government contractor and the laborer would all be benefited if a contractor was given more freedom in employment of men. I believe that a bill with the penalties for violation of this labor law, as provided in this bill of yours, would lead to many disputes and much trouble between the contractor and the Government. As it is easy to see that in case the contractor considered it an emergency and necessary to protect his work and got his men to work more than eight hours, some labor organization or other party who felt they were aggrieved or had a grudge against the contractor might make him trouble.

I believe that all such laws do no good either to the labor union, in whose interest they are made, or to the Government or contractor and entail unnecessary expense on the Government.

Yours, very truly,

JOSEPH H. STONE.

[The Standard Machinery Company.]

MYSTIC, CONN., March 13, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We herewith wish to enter our protest against the Gardner eight-hour bill, H. R. 15651, as we consider it about 95 per cent of no benefit either to the employer or employee.

It seems to us that it is reasonable that if the manufacturing of our goods must cost 20 per cent more to manufacture—the difference between eight hours and ten hours—for the reason that the employees want ten hours' pay for eight hours' work, with the additional cost added thereto from the fact that the material may go through one or two hands, with their additional profit added to the cost, it must necessarily create a higher price for the article produced therefrom and for which the laboring classes would have to pay. This is of vital interest to the employee, but which many of them fail to figure out.

The majority of manufacturers to-day have in their day worked from ten to fifteen hours in order to accumulate some money, and I am positive that the majority that have accumulated from their efforts would be willing also to do the same thing over again. We fail to see where there is any justice in compelling a manufacturer to run his plant only eight hours a day when the running expenses connected therewith, office salaries, etc., would remain about the same, and it is impossible to add this additional cost to the price of your goods without detriment to your business.

We think the nine-hour day should be the limit, and we sincerely hope that the Gardner bill will not meet with any encouragement.

Yours, respectfully,

THE STANDARD MACHINERY CO.,  
CHAS. E. WHEELER,  
*General Manager and Treasurer.*

[Scott Manufacturing Company, founders and machinists.]

KEOKUK, IOWA, March 10, 1908.

HON. JNO. J. GARDNER,

*Chairman Committee on Labor,*

*House of Representatives, Washington, D. C.*

DEAR SIR: We have read with some interest bill H. R. 15651. To us this bill appears very pernicious in many ways, and for abundance of cause we wish to file our emphatic protest against the passage of this bill. Among our most important reasons is the fact that we have contract for furnishing the Government their material at this point, which material consists largely of castings and machine-shop work. Our regular hours for labor are nine and one-half hours per day. A great deal of the work we furnish is for prompt delivery as possible. Under the law, by working over eight hours on any of the Government work, we would be liable. There might be other important reasons which we could set out to you, but do not believe that it is necessary or that the protest be accompanied with a voluminous list of details and reasons.

Trusting that you will give this objection on our part your careful consideration, we are,

Yours, truly,

SCOTT MFG. CO.,  
J. N. D. DICKINSON.



[Star Ribbon Manufacturing Company.]

NEW YORK, February 19, 1908.

Hon. JOHN J. GARDNER,  
*Chairman Labor Committee,*  
*House of Representatives, Washington, D. C.*

DEAR SIR: We have noticed that you recently introduced an eight-hour bill (No. 15651), and being manufacturers we are very much interested in this measure. From a great many years' experience we are of the firm belief that if this bill becomes a law it will be a great disadvantage not only to the manufacturers' interest, but also to the workingman.

At the present time a workingman only labors fifty-nine hours per week and gets paid for a full week's time. If your measure should become a law and the hours of labor are reduced to eight hours per day, it will be impossible for the manufacturers to pay the workingman the same amount of wages, as the amount of goods turned out would be considerably less.

You must also take into consideration that in most lines, especially ours, there is a very strong competition from the European market, and in many instances goods are sold at a lower price, owing to the fact that they can be manufactured much cheaper owing to the lower wages paid to the workingman.

We desire strongly to protest against the bill and would kindly ask you to place this communication before your committee.

Yours, very truly,

STAR RIBBON MFG. CO.  
 SIMON GOTTSCHALL, *Secretary.*

[The Sharon Builders' Exchange.]

SHARON, PA., March 18, 1908.

Mr. JOHN J. GARDNER,  
*Committee on Labor, Washington, D. C.*

DEAR SIR: At a regular meeting of our exchange March 16, we took action expressing our disapproval of the proposed legislation in the House bill No. 15651, limiting the hours of laborers and mechanics employed upon work done for the United States.

The objections to the bill are:

It would irretrievably embarrass, industrially and financially, hundreds if not thousands of plants whose product is intended wholly or part for the Government.

It would drive hundreds of concerns out of the field of Government bidding; it might result in the establishment of Government factories.

It would be the irresistible entering wedge of new labor legislation; for the labor lobby would not stop there.

It is a proposition, by indirection and in time, to legislate the hours of labor into the private enterprises (factories, mills, and workshops) of the whole country by act of Congress.

The following quotations on the objections to this bill will serve to point out in detail its injurious effects:

"The enactment of this class of legislation is sought only by an organization which, allowing all its claims, represents but one-tenth of the wage-earners of the United States. It is not desired by employers nor by that vast army of workingmen who are not subject to the orders of the organization referred to, and until such time as it is desired by at least a majority of those who would be affected we believe that it would be unfair to favorably consider its enactment.

"Legislation of this class is not in keeping with the principles of this Government. It does not belong on the statute books and would, if it were enacted, be an injustice to the 90 per cent of workingmen and practically all of the employers of the country who desire to be left free to make the most of the opportunities afforded to them in their several callings.

"The theory of regulating the hours of labor by law is wrong and inimical to the best interests of the people of this country, be they either employers or employees. Practically all of the factories (thousands in number) competing for Government work now operate their plants on a nine or ten hour basis, and should the bill in question become a law it would compel them to run two shifts of men and operate two separate plants, one eight-hour and the other on a nine or ten hour basis. It is needless to say that a system like this would be impracticable. The only alternative left would therefore be for them to retire from the Government market altogether; for while the Government may be the largest customer they have, nevertheless the percentage of goods bought compared to the purchases of other customers is but a small percentage of the whole.

"Looking at this matter from the standpoint of the wage-earners, by far the greater portion of the goods purchased by the Government are made by men to whom wages are paid based upon the work done either by the hour or by the piece. By limiting the time these men are employed each day their wage-earning power is thus curtailed, and we believe that, if their wishes were consulted, the larger percentage of them would not be in favor of any limitation by law of opportunities to increase their earnings. This is true not only of the great army of wage-earners who owe no allegiance to any labor organization but also of many who belong to organized labor, favorable to the enactment of this class of legislation.

"It is utterly wrong for the Government to deprive citizens of the right to make the most of the opportunities offered them in their various callings. We believe that it is wrong for it to tie the hands of industry, whether it be those of the owners of our factories or those of the workmen employed therein.

"That each and every one should be allowed to make such contract with the other for the sale or hire of labor as conditions warrant, allowing each to make the most of those opportunities which have made this country the greatest, the most prosperous, and the best for both employers and employees.

"The enactment of this law, as already stated, is only desired by not to exceed 10 per cent of the wage-earners of the United States; opposed to it is practically every business establishment of the country to say nothing of the great majority of wage-earners referred to."

Yours, very truly,

SHARON BUILDERS' EXCHANGE,  
C. A. WISHERT, *Secretary*.

[Stuber & Kuck, tinware.]

PEORIA, ILL., *March 6, 1908.*

HON. J. T. GARDNER, *Washington, D. C.*

GENTLEMEN: Referring to House bill 7564 limiting the hours of labor on Government work and providing for legal recoveries for overwork, will say we as a firm are opposed to such a bill being passed for several reasons. The law should not destroy the right of a laborer to contract his labor for as many hours as he pleases. It should not destroy the right of a Government contractor to contract with laborers for more than nine hours' work per day if both parties agree. We look at this as being an entering wedge of the labor union for a uniform eight-hour labor law in all lines of business. We feel many industries can not exist very well if there is such a law, and therefore we are opposed to this legislation, but let it suffice for us to say that we as a firm and employers of labor of this city of Peoria, Ill., most earnestly ask you to make an unfavorable report on this bill.

Very truly, yours,

STUBER & KUCK.

[Superior Fire Linings Company.]

TRENTON, N. J., *March 9, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Knowing that you are chairman of the committee in charge of the proposed eight-hour bill, we take the liberty of addressing you in reference to our disapproval of that bill.

Should the above-stated bill become a law, we feel positive that it would act as a disadvantage to the manufacturing industries in general and that it would be an unfair discrimination against our factory as well as many others.

No doubt you will receive various protests against this bill, which we trust will be considered thoroughly and found amply sufficient to defeat the measure.

Yours, very truly,

SUPERIOR FIRE LININGS CO.,  
G. A. P.

[Sheldon Axle Company.]

WILKES-BARRE, *February 19, 1908.*

JOHN J. GARDNER,  
*Chairman of House Labor Committee, Washington, D. C.*

DEAR SIR: We are advised that an eight-hour bill (H. R. 15651) appeared before a subcommittee of the House.

I think that it is unwise, by any legislation, to regulate the hours of labor in any way whatever, especially as far as making a legal eight-hour or nine-hour day is concerned. The general conditions of the country will always take care of these conditions. All manufactured products are entirely too high now, and to increase the cost of labor 20 per cent is a direct detriment to the common laboring interests of the country. The more hours a man is allowed to work the greater is his earning power. The only capital he has is the number of days he can keep well and work in a year. If labor is increased you can't increase his pay to keep progress with the increased cost of materials which he buys.

A little illustration will suffice to close this letter. If cotton cloth sells at 10 cents per yard (outside of the cotton on the bush, it is composed entirely of labor), suppose a man were receiving \$2 a day for ten hours. An eight-hour bill was passed, and he received \$2 for eight hours. The quantity of money he would have would be no greater, yet the yard of cotton cloth which cost 10 cents per yard would be increased approximately 20 per cent in value on account of the less hours of labor; the man who practically before bought 10 yards of cotton cloth for \$1 would only get 8 yards of cotton cloth for the same dollar. In other words, the laboring man, by reducing the hours, is continually getting the worst of it. The capitalist is always getting the best of it.

Perhaps you have heard these arguments before, but I submit them to you as an argument against the passage of this bill, as being unfavorable to "common" labor, on account of shorter hours, even though the same wages are paid.

Yours, truly,

SHELDON AXLE COMPANY,  
WM. H. SON,  
*Vice-President and General Manager.*

[The Salem Iron Company.]

LEETONIA, OHIO, *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We respectfully beg leave to protest against the recently introduced eight-hour bill, H. R. 15651, because we believe the passage of said bill would affect us very adversely.

Yours, truly,

THE SALEM IRON CO.,  
By JOHN MCKEEFREY, *President.*

[The A. T. Stearns Lumber Company.]

NEPONSET, BOSTON, MASS., *February 19, 1908.*

MR. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to the eight-hour bill which has been introduced, we wish to say that we feel that business conditions in this country at the present time are precarious, and that the business firms are legislated to death, and any favorable action that may be taken for the enforcement of an eight-hour day by the Government will imperil the free action of any manufacturer or other business employer, and we also believe that it would add to the cost of necessities for the people who are already burdened now on account of the unreasonable demands made by labor unions and others.

We respectfully request you to use your influence against the passage of this bill.

Yours, very truly,

THE A. T. STEARNS LUMBER CO.,  
JAMES F. DUNBAR, *Treasurer.*

[J. Stevens Arms and Tool Company.]

CHICOPEE FALLS, MASS., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman of House Labor Committee, Washington, D. C.*

DEAR SIR: Regarding the bill, H. R. 15651, now before the House Committee on Labor, we wish to enter our protest against this bill for the reasons stated below:

In the first place it is a great hardship to the manufacturer inasmuch as he has certain overhead expenses which are going on all the time whether the men are at work

or not. The reduction of time from nine to eight hours is equal to about 11 per cent in production, and of course this much must be added to the selling price of the products in order to place the manufacturer on the same basis of profit as before.

Now, this increase in price in many cases will be enough to let in foreign competition as our present customs duties stand, while if (as is being pressed) the duties should be reduced, what hope would there be for us to compete?

Another thing, there are many of the men (the most of whom work on piecework) who would rather work more hours so they can make better wages. To the majority of workmen the reduction of the hours of labor (which are now in most cases nine) is not considered so important as the ability to earn good wages without being obliged to hurry beyond their strength.

We trust you will see this matter in the true light and will use your influence against this bill.

Hoping you will do this, we beg to remain,

Very truly, yours,

I. H. PAGE,  
*President and Treasurer.*

[Sunbeam Incandescent Lamp Company.]

CHICAGO, March 2, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that the Gardner bill, H. R. 15651, will shortly come up for action.

We feel that the passing of this bill would work a great hardship and that it would not be to the advantage of either side involved.

Yours, very truly,

SUNBEAM INCANDESCENT LAMP CO.,  
H. B. VANZWOLL, *Secretary.*

[The Strong-Scott Manufacturing Company, mill machinery.]

MINNEAPOLIS, MINN., March 2, 1908.

HON. JNO. J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We have received, and carefully read, a copy of the proposed law regulating the hours of labor on all Government work, and we wish to protest against the passage of this bill, as we feel that such a law as this would work harm to the industrial interests of this country:

We feel that the question of hours of work, as well as the question of the amount of wages paid to employees, are questions which will adjust themselves in accordance with the conditions of supply and demand the same as the price of every commodity is adjusted.

We feel that legislation of this class is unfair, and we hope that in the interests of the welfare of the manufacturing business of this community you will not press the passage of this bill.

Yours, very truly,

THE STRONG-SCOTT MFG. CO.,  
A. W. STRONG, *Manager.*

[Rae Stephens Manufacturing Company, valves.]

DETROIT, MICH., February 29, 1908.

HON. JOHN J. GARDNER,  
*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to H. R. 15651, introduced by you January 29, 1908. This is a bill limiting the hours of laborers, mechanics, etc., who work for any contractor or subcontractor of Government work.

We wish to emphatically protest against this bill, which is so exact in its provisions that it would shut the Government off from having fair competitive bids for any of its manufactured supplies. We quote from it:

"Shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day."

This would mean that if we take a contract for furnishing manufactured material for the Government, say, in our case, fire hydrants, valves, etc., our regular hours now being ten hours per day in our factory, where we employ 400 hands, the pattern makers, tool makers, iron foundry, brass foundry, brass finishers, iron finishers, bench hands, polishers, and the laborers connected therewith, etc., who worked on the contract would have to start at a different time in the morning or quit at a different time in the afternoon from that of possibly 95 per cent of the other employees in the same departments. Not only this, but for any tools we have to have made outside, each such establishment that we gave our order to would be similarly affected. This law seems to us impracticable, and would cause endless trouble if it was tried to be enforced.

The regulating of working hours is not right. It is a fraud on the manufacturer, employer, and fraud on the workingman. The hours should be regulated by the demand, or else the scale of wages should be adopted especially for the poor laborer, who to-day gets 20 cents per hour. For ten hours' work he gets \$2 per day. If the hours are reduced to eight, he will still only get 20 cents per hour. He averages now about twenty-one days per month, which at \$2 per day would give him \$42. If he only works eight hours per day the same number of days at 20 cents per hour, his wages would be but \$33.60 per month. This is too small an income to support the average American laborer.

You can not increase the pay without reducing the output in this country. At the present time we are able to ship our manufactured goods abroad. Five per cent would throw the business to the foreigner. We presume other lines would be similarly affected to that of our own.

The workingman does not want his income reduced, nor does the manufacturer want unfair restrictions thrown around his business by unpractical men. It is the walking delegate and the labor disturbers who find where labor is crushed to earth, and they want to elevate it. They work not, neither should they reap, but they do, and the laboring man pays for their extravagances. When times are good and business plenty, they get the credit for helping the laboring man. At the present time too many of our laboring men are in want. The manufacturers of the country are running their business not for the profit that there is in it, but rather that their employees shall not suffer. We trust that Congress will not forget this, and be careful what kind of legislation they may inflict.

Yours, truly,

ROE STEPHENS M'F'G CO.,  
C. W. THOMAS, *President*.

[Schaum & Uhlinger (Incorporated).]

PHILADELPHIA, PA., February 29, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We wish to enter our emphatic protest against what is known as the "eight-hour bill," H. R. 15651, now before your committee.

This bill we regard as pernicious in both its purpose and intent, and its enactment into law would certainly encourage those who are seeking to extend its principles to the general industries of the country. Such an extension would hamper enterprise and handicap business by arbitrarily imposing upon our industrial activities conditions which in some cases it would be impossible for them to meet. We feel that a bill such as the above can only be harmful in its result, and we hope, therefore, that you will see your way clear to use your influence against it.

Very truly,

SCHAUM & UHLINGER (INCORPORATED).

[Standard Underground Cable Company.]

PITTSBURG, PA., February 29, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee,*

*House of Representatives, Washington, D. C.*

DEAR SIR: The labor committee of the House of Representatives has under consideration at this time the Gardner eight-hour bill (H. R. 15651), which is substantially identical with certain eight-hour bills that were under consideration in the Fifty-seventh and Fifty-eighth Congresses, but which failed to become a law.

We feel very strongly that the bill in question should not be enacted into law for many reasons that might be mentioned, but among others, because it would be

impracticable for subcontractors (especially the manufacturers of materials) to comply with the law, and it would be unfair to impose on them the risk of litigation to which they would be likely to subject themselves innocently; it is also an unwarranted interference with the right of contract on the part of both the workman and the manufacturer or contractor.

May we not hope that you will do all in your power to prevent the favorable report or adoption of the bill, and greatly oblige,

Yours, very truly,

STANDARD UNDERGROUND CABLE CO.,  
Per J. W. MARSH, *Vice-President and General Manager.*

[Stengel & Rothschild, tanners.]

NEWARK, N. J., *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Our attention has been called to what is known as the "Gardner eight-hour bill" (H. R. 15651), and after learning the provisions of this bill we are forced to enter our protest against its passage, as we believe it to be injurious to the manufacturing interests of this country.

It occurs frequently that a manufacturer supplies goods to parties making Government contracts, without knowledge on the part of the manufacturer that such goods are intended for Government contracts, and it would practically force every large manufacturer to work under the "eight-hour law," and would either increase the cost of labor by 20 per cent or reduce wages to that extent. In either case it would work great hardship.

The writer of this letter appeared before your committee some years ago, with the delegation from the Newark Board of Trade, to protest against a like measure, and the objections offered at that time still hold good. We do not find any call from the great mass of laborers in this vicinity for an eight-hour day, who are content with the existing hours of labor, if present wages can be maintained, which they certainly could not be if such a bill were to be generally enforced, and we think that this is more the work of professional labor agitators than anything else. We therefore ask that this bill be not favorably reported by your committee.

Very respectfully, yours,

STENGEL & ROTHSCHILD.

[Schaeffer Bros. & Powell Manufacturing Company, soaps.]

ST. LOUIS, *February 26, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We protest against the passage of the Gardner bill (H. R. 15651).

Very respectfully,

SCHAEFFER BROS. & POWELL MFG. CO.  
WILLIS J. POWELL, *Treasurer.*

[Stahl-Urban & Co., pants, shirts, overalls.]

TERRE HAUTE, IND., *February 22, 1908.*

HON. JNO. J. GARDNER, *Chairman,*  
*Washington, D. C.*

DEAR SIR: We understand there is now a hearing before your committee in regard to the passage of an eight-hour bill (H. R. 15651).

We desire to enter our most earnest protest against any legislation in this matter, and hope you and your committee will protect the interest of manufacturers in this regard.

Yours, respectfully,

STAHL-URBAN & CO.

[The Stone Printing and Manufacturing Company.]

ROANOKE, VA., February 19, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: My attention is attracted to the eight-hour bill (H. R. 15651) introduced by Representative Gardner, of New Jersey.

In the present state of business the manufacturer, I imagine could make little objection to working his plant eight hours; indeed, he is fortunate if he can do so under the present condition of the market, but I do not believe it is best for the employer or the employee that an arbitrary workday be made by legislation.

Some time ago, in talking with some of our employees, they voluntarily expressed themselves, saying they did not believe a workday of nine hours was a hardship at all.

In our own establishment we work nine hours. A fifty-four hour week—open shop.

Some months ago our employees, practically as a unit, petitioned us to work nine hours and fifty minutes, five days in a week, and close down Saturday afternoon.

While some objections to this plan have developed, they are not especially serious. The custom, however, has a tendency to make more of the employees want to get off Saturdays than was the case formerly.

Only one-half day is lost in this way by the employee, but it frequently breaks into the working programme of Saturday.

There are doubtless some trades and occupations where eight hours, or even six hours of constant, strenuous work is sufficient to constitute a day, but these sort of situations generally regulate themselves, or are regulated by market conditions, improved machinery, etc., just as is the price of butter by supply and demand.

The writer recalls, that at one time he was a compositor on a morning newspaper, and between 9 or 10 o'clock in the morning and half past 1 or 2 o'clock the next morning; and usually put in about eleven or eleven and a half hours. Not straight through, but three hours at one time, two hours at another time, and six and one-half hours at another time.

Nowadays, since the adoption of linotypes and other improved machinery, the work hours on a morning newspaper hardly ever exceed eight hours, generally seven hours, and I noticed some time ago the resolution adopted by the Typographical Union strongly demanding or recommending that six hours on a morning newspaper constitute a day's work.

Speaking with special reference to our own establishment, situated somewhat away from the labor markets, we would suggest that we endeavor to keep a minimum number of employees regularly: that is, we do not lay them off, discharge them every time there is a little slack period in the manufacturing departments, and we have been assured frequently, under this custom, by the employees that they are only too willing and anxious to work longer hours when there is a rush of work.

Some years ago, when perhaps the most of our employees were members of the union, although we maintained the "open shop," one of our foremen, during a busy period, suggested that we were working the men too many extra hours.

The management very promptly replied that we had no desire to work a hardship on any employee and that they were at perfect liberty to return to work certain nights or not, as suited their wishes, and stated that the company would in no wise be prejudiced against such employees as did not care to put in the overtime; but, somewhat to our surprise, the foreman before mentioned was the only employee who did not return for the extra work.

We just mention these incidents as "straws" perhaps, which go to confirm our belief that the "greatest good to the greatest number" will not be accomplished by the adoption by the General Government of any arbitrary length of workday.

We hope you will see your way clear to do what you can to have the bill reported unfavorably.

Very truly, yours,

EDW. L. STONE,  
*President.*

[Lewis F. Shoemaker & Co., Schuylkill Bridge Works.]

PHILADELPHIA, March 12, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We should like to register our protest against the passage of bill known as H. R. 15651, requiring "that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor, contract-

ing for any part of Government work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work."

We consider this a very unreasonable requirement, as it would absolutely shut out such shops as ours from bidding on the fabrication of any steel construction in any Government contract. Our shops are operated ten hours a day, and to operate them eight hours a day would increase the cost of production at least 20 per cent in operating expenses, and in addition thereto would cut down the earnings of the laboring man.

We hope on further consideration the bill will be defeated.

It is necessary for us to refrain from bidding on any municipal or State work under such laws, and the same would govern in the case of any Government work in the event of such a bill becoming a law.

Yours, very respectfully,

LEWIS F. SHOEMAKER & Co.,  
THOMAS C. SATTERTHWAIT, *Secretary*.

[Springfield Furniture Company.]

SPRINGFIELD, Mo., March 14, 1908.

CHAIRMAN HOUSE LABOR COMMITTEE,

*House of Representatives, Washington, D. C.*

DEAR SIR: We note that the proposed eight-hour bill is before your committee, and we wish to say that we believe that its passage would be detrimental, not only to the manufacturers and other employers, but would be a positive detriment to the independent laboring man himself, and we hope your committee will report this bill adversely.

Very respectfully,

SPRINGFIELD FURNITURE CO.,  
M. W. COOLBAUGH, *Secretary and Treasurer*.

[Standard Gauge Steele Company.]

BEAVER FALLS, PA., March 18, 1908.

HON. JOHN J. GARDNER,

*Washington, City, D. C.*

DEAR SIR: Referring to your eight-hour bill (H. R. 15651), would advise that we enter our earnest protest against the passage of this bill, for the reason that it would work incalculable damage to the section where we are located, being almost entirely a manufacturing district, and while we have a most cordial feeling toward all the interests of labor, we do not think that this measure could do other than work to their disadvantage. For this reason we, therefore, protest most strongly against its passage.

Your attention to this matter will be received by the manufacturers of this entire section of Pennsylvania.

Yours, respectfully,

STANDARD GAUGE STEEL CO.,  
JNO. A. B. PATTERSON, *Secretary*.

[Schulze Brothers Company, harness and saddlery.]

DULUTH, MINN., March 14, 1908.

HON. JOHN J. GARDNER,

*Washington, D. C.*

DEAR SIR: Referring to House bill 15651, entitled "The Gardner eight-hour bill," we can not help but feel that the enactment of this bill, a copy of which we have before us, will be detrimental to the best interests of not only the Government itself, but to the best interests of the country at large, and also against the individual interests of the people at large. It does not seem right that this Government should go to such extremes as to even limit the number of hours that a man is allowed to work when in the employ of the Government or in filling a contract for the Government. How long would it be after this law went into effect before still more radical laws would be proposed extending the eight-hour law over the whole United States and effect all lines of business?

We can not help but believe that but one element or one class of people can be in favor of the enacting of this law, namely, the close-fisted labor unions, and it is a fact that they represent between 10 and 15 per cent of the laboring classes in the United



States. It is not right that 15 per cent of the laboring people should dictate laws for the other 85 per cent, especially when such laws are against general principles and can not bring about any permanent good, but, on the other hand, must necessarily have a widespread and bad influence, and the Government itself would have to pay very dearly for it, and what is the Government, properly speaking? It is the people—not only 15 per cent of them, but 100 per cent, which includes the other 85 per cent who can not consistently be in favor of the eight-hour law.

We sincerely trust that your honorable committee will not report favorably on the bill above mentioned.

Yours, very truly,

E. A. SCHULZE,  
*President.*

[William Sellers & Co. (Incorporated.)]

PHILADELPHIA, March 19, 1908.

HON. J. HAMPTON MOORE,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We desire to register our emphatic disapproval of H. R. bill No. 15651, known as the Gardner eight-hour bill.

The effect of this measure, if enacted into law, would be to prevent us from accepting orders from the Government to construct machinery for use in any of its Departments. We have built from time to time for nearly fifty years such machinery for the United States Government, some of which was of exclusive design and not purchasable from other builders. We see no reason why we should be debarred from competing for this business, nor why the Government should be prevented from availing itself of our facilities and our designs.

It would be absolutely impracticable to manufacture machinery for Government account except by reducing our working time to eight hours per day, which would not be satisfactory to us nor to our employees, who do not wish to be deprived of the privilege of working "overtime" at "overtime" rates.

In our judgment this measure is an indirect effort to force an eight-hour day on the manufacturing community, to the serious injury alike of the manufacturer and the workman.

We trust you will see your way to earnestly oppose the enactment of this measure.

Respectfully,

WM. SELLERS & CO. (INCORPORATED).  
C. SELLERS, JR., *President.*

[C. A. Smith Lumber Company.]

MINNEAPOLIS, MINN., March 19, 1908.

MR. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We understand that H. R. 15651 is in your hands for consideration. We think it would be very poor business policy on the part of the Government of the United States to sanction a bill of this kind. It seems a little out of line for the Government to limit the hours of work on material which is to be used for the Government. The additional cost to the Government would be something terrific, and we do not see why they should be made a mark of in a case of this kind. We sincerely trust that this bill will not receive a favorable report from your committee.

Yours, truly,

C. A. SMITH LUMBER CO.,  
EDGAR DALZELL, *Secretary.*

[Smith & Wallace, electric and railway supplies.]

WOBURN, MASS., March 23, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill, now before your committee, if passed will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Very truly, yours,

SMITH & WALLACE.

## ST. PAUL BUILDERS' EXCHANGE.

*Resolved*, That the Builders' Exchange of St. Paul, with a membership of 180 firms of contractors and manufacturers and dealers in the building lines, hereby petition the honorable Representatives in Congress to oppose the passage of what is known as the "Gardner eight-hour bill," now pending before Congress, or of any measure of like character which may be introduced.

We believe that the theory of regulating the hours of labor by law is wrong and inimical to the best interests of the people of this country, be they either employers or employees. Practically all of the factories (thousands in number) competing for Government work now operate their plants on a nine or ten hour basis, and should the bill in question become a law it would compel them to either run two shifts of men and operate two separate plants, one on eight-hour and the other on a nine or ten hour basis.

It is needless to say that a system like this would be impracticable. The only alternative left would therefore be for us to retire from the Government market altogether, for while the Government is the largest customer we have, nevertheless the percentage of goods bought compared to the purchases of other customers is but a small percentage of the whole.

Looking at this matter from the standpoint of the wage-earners, the greater portion of the goods purchased by the Government are made by men to whom wages are paid based upon work done either by the hour or by the piece. By limiting the time these men are employed each day their wage-earning power is thus curtailed, and we believe that if their wishes were consulted that the larger percentage of them would not be in favor of any limitation by law of opportunities to increase their earnings.

We further believe that this is true not only of the great army of wage-earners who owe no allegiance to any labor organization, but that it is likewise true of many of the members of the organization which is favorable to the enactment of this class of legislation.

We believe, as already stated, that it is utterly wrong for the Government to deprive citizens of the right to make the most of the opportunities offered them in their various callings. We believe that it is wrong for it to tie the hands of industry, whether it be those of the owners of our factories or those of the workmen employed therein.

We believe that each and every one should be allowed to make such contract with the other for the sale or hire of labor as conditions warrant, allowing each to make the most of those opportunities which have made this country the greatest, the most prosperous, and the best for both employers and employees.

The enactment of this law, as already stated, is only desired by not to exceed 10 per cent of the wage-earners of the United States; opposed to it is practically every business establishment of the country, say nothing of the great number of wage-earners.

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[The Solvay Process Company, soda.]

DETROIT, MICH., February 19, 1908.

HON. EDWIN DENBY,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Inclosed we hand you copy of telegram sent to Hon. John J. Gardner, chairman of the House Committee on Labor, protesting against the adoption of the eight-hour labor bill, H. R. 15651. We believe that the passage of such a law would place a handicap upon American manufacturers and indirectly prove an injury rather than a benefit to American labor.

We ask you to use your influence to have this bill defeated.

Very truly, yours,

THE SOLVAY PROCESS CO.,  
By J. D. SANDERS, *Assistant Manager*.

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[Telegram.]

DETROIT, MICH., February 19, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

We protest against the adoption of eight-hour labor bill, H. R. 15651, believing it detrimental to the interest of both employer and employee.

THE SOLVAY PROCESS CO.

[Telegram.]

PHILADELPHIA, PA., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

We emphatically protest against the eight-hour bill under consideration, as it is destructive of American industries and should be defeated.

SCHAUM & UHLINGER.

[The Sims Company, steam user's supplies.]

ERIE, PA., *February 19, 1908.*

HON. ARTHUR L. BATES, M. C.,  
*Washington, D. C.*

DEAR SIR: We understand that a bill, to be known as the "Gardner eight-hour bill," is liable to come up in Congress, and we desire to enter our protest against any legislation that determines on an eight-hour day law.

It would be a very serious interference with the best interests of the manufacturers of the country and would undoubtedly be disastrous to the labor interests.

We trust you will see your way clear to oppose any such measures, and oblige,  
 Yours, very truly,

THE SIMS COMPANY,  
 Per HENRY SIMS, *President.*

[Syracuse Aluminum and Bronze Company.]

SYRACUSE, N. Y., *February 27, 1908.*

MR. JOHN J. GARDNER,  
*Chairman Committee on Labor,  
 House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to bill introduced by you, H. R. 15651, and we have considered it very carefully.

We can not see any necessity for this law, and believe the present eight-hour law entirely sufficient; therefore we wish to be on record as opposed to H. R. 15651 and sincerely hope it will not get through the committee.

Yours, very truly,

SYRACUSE ALUMINUM AND BRONZE CO.  
 C. L. ACKERSON, *Manager.*

[Manufacturers and Employers' Association.]

TRENTON, N. J., *March 27, 1908.*

HON. J. J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: The Manufacturers and Employers' Association, of this city, very much desires to be placed upon record as being opposed to the passage of the eight-hour bill.

Very respectfully,

A. E. MOON, *Treasurer.*

[The Taylor and Boggis Foundry Company.]

CLEVELAND, OHIO, *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
 House of Representatives, Washington, D. C.*

DEAR SIR: We desire to enter our protest against the passage of H. R. 15651. It will eventually work great hardship with the manufacturers of the country.

Cordially, yours,

R. H. BOGGIS, *President.*

[Twin City Foundrymen's Association.]

MINNEAPOLIS, MINN., March 11, 1908.

HON. JOHN J. GARDNER,

*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: Inclosed please find a copy of the resolution passed by the Twin City Foundrymen's Association at their annual meeting held March 9.

There was a large attendance at this meeting, and among those present were representatives of some of the largest manufacturers in the State.

I believe this resolution expresses the unanimous sentiment of this community, and I was instructed to urge you to use every effort to defeat this bill, H. R. 15651.

Thanking you in advance for your attention to our interests,

I remain,

H. A. ROGERS,

*Secretary Twin City Foundrymen's Association.*

## RESOLUTION PASSED BY TWIN CITY FOUNDRYMEN'S ASSOCIATION MARCH 9, 1908.

Whereas there are now pending before Congress several labor bills, known as the "anti-injunction" and "eight-hour" bills; and

Whereas the purpose of the so-called "anti-injunction bill" is to curtail the power of the court in issuing temporary writs of injunction in case of labor troubles; and

Whereas the purpose of the so-called "eight-hour bill" is to further extend the provisions of the present eight-hour bill on all Government work; and

Whereas all such bills are, in the judgment of this association, inimical to the interests of the employers and employees of this country, and should such bills be enacted would work extreme hardship upon the industrial enterprises of this country:

*Be it resolved*, That we enter a most emphatic protest against the enactment of these bills and urge the Congressmen of this State to use their influence in defeating same.

*Be it further resolved*, That copy of this resolution, together with a well written letter from this association accompanying same, be transmitted to both Senators and the Representatives of the House from the State of Minnesota.

[Tootle, Wheeler &amp; Motter Mercantile Company, dry goods.]

ST. JOSEPH, MO., February 24, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We desire to protest against the passage of the Gardner eight-hour bill, H. R. 15651. We think it would be very detrimental to the interests of all manufacturers as well as detrimental to the interests of laboring classes if this bill should pass and become a law.

We earnestly request that you use your influence against the passage of this bill.

Yours, very truly,

TOOTLE, WHEELER & MOTTER MERCANTILE CO.,  
By W. W. WHEELER, *President*.

[Triebel &amp; Sons, monuments.]

PEORIA, ILL., March 7, 1908.

HON. JOHN J. GARDNER,

*Representative in Congress, Washington, D. C.*

DEAR SIR: We respectfully request that you use your influence to defeat House bill 15651. In our opinion if this bill is allowed to pass, it will work great injury to all employers of labor and will be an injustice to capable and honest workmen. It is not the industrious, honest workmen who are seeking such legislation, but worthless, lazy fellows, who want employers to furnish a living for them without any fair return of labor on their part. We could give numerous reasons for defeating this bill, but do not desire to go into extended details unless necessary.

Respectfully, yours,

TRIEBEL &amp; SONS.

[The Trenton Malleable Iron Company.]

TRENTON, N. J., *March 9, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We understand that the eight-hour bill which is now before your committee is to be reported favorably. We herewith desire to enter our protest against the same, and would advise that the passage of this bill would be very detrimental to our business.

Trusting you will give this your consideration, we are,  
 Yours, very truly,

THE TRENTON MALLEABLE IRON CO.,  
 JAMES V. OLIPHANT, *Secretary.*

[Taylor, Stiles &amp; Company.]

RIEGELSVILLE, N. J., *February 20, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
 House of Representatives, Washington, D. C.*

DEAR SIR: Regarding House bill 15651, which we understand is in the interest of an eight-hour day.

We wish to protest against this, as we regard it as extremely harmful not only to our interests, but to those of our employees.

Trusting you will see the justice of our position, and will not urge the passage of this bill, we remain,  
 Yours, very truly,

TAYLOR STILES & COMPANY,  
 HARRY W. GRIFFIN, *Secretary.*

[Thompson Brothers, engineers and machinists.]

PHILADELPHIA, PA., *February 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

HONORED SIR: We wish to protest against H. R. bill 15651 being enacted into law.

As an employer of labor for the last forty years right here in this one location, our aim has always been to have the best American mechanics we could get. We now run an open shop and pay by the hour. Our men in some trades work eight hours a day, some work ten hours. We find that to shorten the day spoils the workman. Those who have the shortest working hours are not improved thereby, either in their personal habits nor the quality or amount of their services. Such as do forge ahead do so in spite of the handicap put on them by this legalizing of the loafers' standards and no one ever did by shortening his day's work.

It is difficult now to get anything well done, and if this and other similar bills are made into law it will soon be more difficult to get anything done well or ill.

We sincerely hope that your committee will find sufficient good reasons for not reporting favorably on this bill.

Very truly, yours, etc.,

THOMPSON BROS.

[Taylor &amp; Winn Construction Company, contractors and builders.]

KANSAS CITY, MO., *February 21, 1908.*

HON. J. J. GARDNER,  
*Washington, D. C.*

DEAR SIR: We urgently request and hope that the bill 15651 in regard to eight-hour labor will not pass your committee with a favorable report. We think that this will be used as a wedge for more unfavorable legislation to the free use of American manhood and ambition. When you take away a man's ambition there is little left, and the unions of to-day are fast doing that very thing.

We hope that you will not urge that bill.

Very truly, yours,

TAYLOR & WINN CONSTRUCTION CO.,  
 Per E. L. WINN, *President.*

[Trump Brothers Machine Company.]

WILMINGTON, DEL., *February 19, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor,  
 House of Representatives, Washington, D. C.*

DEAR SIR: We desire to enter our emphatic protest against H. R. 15651, which we understand has been recently introduced.

Very truly, yours,

TRUMP BROS. MACHINE COMPANY,  
 By GEO. R. HOFFECKER, *Secretary.*

[William R. Thropp, iron founder, boiler maker.]

TRENTON, N. J., *March 9, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I understand that there is a bill before Congress for reducing the working hours to eight hours per day, and would like to say it would be very detrimental to my business, as our machines can only make so many turns per minute and we can not cut iron any faster, and you are reducing our time 20 per cent and our output to 20 per cent, which will make our machinery cost over 30 per cent more, as the non-producer would only work the same; as we are shipping machinery into Canada and other foreign ports, it would be impossible for us to compete with our foreign competitors, as we have to pay now 30 to 35 per cent duty on our machinery going into Canada, where we have quite a large trade, and we are losing trade now with the higher wages that are being paid. If this bill goes through it will completely block us out of trade with our foreign competitors, and I hope you will consider our position in this matter, as it will be detrimental to our workmen as well as ourselves.

I remain, yours, respectfully,

WM. R. THROPP.

[Tacoma Mill Company, lumber and spars.]

TACOMA, WASH., *March 18, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to the eight-hour bill which is under consideration by your committee.

We are very much opposed to this measure becoming a law, as the saw milling industry throughout the United States is operated on the basis of ten hours for a day's work, and as long as this condition exists it would be impossible for us to change our operations to eight hours in order that we might be in position to bid upon the Government's lumber requirements, which form but a very small percentage of our entire business. It would mean that we would be restricted in competing for such business. As you will readily appreciate, we could not possibly continue operating in competition with other manufacturers in other commercial business should we undertake to operate eight hours per day, and other manufacturers ten hours per day.

We hope the committee will disapprove the measure.

Yours, very truly,

TACOMA MILL CO.,  
 CHAS. E. HILL, *Resident Manager.*

[Trimont Manufacturing Company, Trimo tools.]

ROXBURY, MASS., *March 24, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Having in view the fact that the Gardner eight-hour bill, now before your committee, will cripple many manufacturing concerns that do work for the United States Government, and will prevent a large number of manufacturers from bidding on Government work, and will well-nigh, if not quite, destroy the shipbuilding industry of the United States, we wish to register our protest against the passage of that bill and to urge you to report against it.

Yours, truly,

TRIMONT MANUFACTURING CO.,  
 E. CHILDS, *Superintendent.*

[Universal Button Fastening and Button Company.]

DETROIT, MICH., March 2, 1908.

Hon. J. J. GARDNER,

Chairman House Committee on Labor, Washington, D. C.

DEAR SIR: The bill limiting the hours of laborers and mechanics employed upon work done for the United States has come under our notice and we are to-day telegraphing you as follows: "We beg to enter protest against passage of eight-hour bill, as we consider it detrimental to best interests of manufacturer and laborer. Have written."

We have given this matter careful consideration and it would appear to us that this bill would place the manufacturers of any product that they expected to sell to the Government in an extremely awkward position. Practically all manufacturers now are running on a nine or ten hour day, and if they accepted contracts for Government work, it would mean that the proportion of their labor engaged in this work would have to work eight hours a day, or else they would have to put their entire factory on an eight-hour day. Same would apply to contractors, or any other class of work done for the Government.

From a practical standpoint, this appeals to us as an almost impossible situation to cope with. It would be, without any question, a fruitful source of all kinds of labor troubles, and, furthermore, would finally work out to the detriment of the laborer. There is no class of manufacturers who will ultimately consent to pay their labor at the rate of nine hours for an eight-hour workday, and the results of coming down to the point of paying for eight hours and working eight hours will undoubtedly be achieved by them through various means. This will most decidedly reduce the daily earnings of the average laborer, and it is our opinion, based upon considerable experience, that the average laborer would a great deal rather work for nine or ten hours and draw nine or ten hours' pay than work for eight hours and draw eight hours' pay.

If this result should not come about, the alternative will be that this entering wedge will bring about a tremendous movement for a general eight-hour working day all over the country. This means an amount of labor trouble impossible to estimate at the present time and the loss of an enormous quantity of money, no matter what the result may be, and should the eight-hour day become an accomplished fact, at the same rate of wages that manufacturers are now paying for a nine and ten hour day, it would positively mean that the price of the commodity will be raised proportionately, and the ultimate result for the laboring man would be a detriment instead of a benefit.

There is no question whatever that as soon as the eight-hour day becomes a financial benefit, it will be utterly unnecessary to enforce same by legislation, as it would be adopted by all intelligent employers as a good commercial proposition. At the present writing, it is our opinion that the eight-hour day would be a benefit to neither employer nor employee, and we therefore desire to enter our protest against the adoption of this bill.

Very respectfully, yours,

UNIVERSAL BUTTON FASTENING AND BUTTON CO.,  
L. R. CARLEY, General Manager.

[Union House Furnishing Company (Incorporated).]

ST. LOUIS, March 5, 1908.

Hon. JOHN J. GARDNER,

Chairman House Labor Committee, Washington, D. C.

DEAR SIR: I respectfully wish you to enter our protest against the Gardner bill (H. R. 15651), and as one of your constituents I ask you to kindly use your influence against a favorable report by the committee of same to your honorable legislative body. With the limited knowledge I have of the bill I feel that it is detrimental to the best interests of our country, and that I am perfectly justified in asking you to lend your support to its defeat.

Trusting that you may see your way clear to grant my request, and assuring you of my sincerity, also thanking you for past favors, I am,

Very truly, yours,

J. H. BUETTNER, President.

[Union Foundry and Machine Company.]

PITTSBURG, PA., March 13, 1908.

HON. JOHN J. GARDNER,

*Committee on Labor, House of Representatives, Washington, D. C.*

MY DEAR SIR: Referring to H. R. 15651, "A bill limiting the hours of daily service," we beg to urge you to use your influence against this bill, as we think it would be very hurtful to the manufacturing industries in the United States.

We beg to remain, very truly, yours,

UNION FOUNDRY AND MACHINE COMPANY,  
F. H. ZIMMERS, *Treasurer.*

[The United Zinc and Chemical Company.]

KANSAS CITY, MO., February 21, 1908.

HON. J. J. GARDNER,

*Washington, D. C.*

MY DEAR SIR: I hand you herewith copy of a letter which we are sending to our Senators and Representatives in Congress and to our friends at Washington. We feel very strongly that it would be more or less of a sin to make such a law as this, especially at such a time as this. For this reason we wish to express our sentiments to you and join with a great many others, who we hope will express their sentiments the same, in expressing as strongly as we can our hope that this bill will not be favorably reported upon by your committee.

With expressions of our highest regard, we are,

Yours, very truly,

GEO. S. PAGE,  
*General Manager.*

FEBRUARY 21, 1908.

MY DEAR SIR: A bill has been introduced in Congress by Mr. Gardner, of New Jersey, which we understand has been referred to the Committee on Labor and ordered to be printed, which is known as H. R. 15651, and limits the hours of daily service of laborers and mechanics employed upon work done for the United States or for any Territory, or for the District of Columbia, and for other purposes.

We write you this letter, urging that you lend your influence to the side of defeating this measure, preferably either in committee, or, if it has been passed by the committee, when it comes up for further consideration. The employers of a large number of men realize that this bill if passed will work hardship upon our Uncle Sam, as well as the labor class, who can not be benefited by it. The time comes when the employer of labor finds it absolutely necessary and positively necessary to secure more than eight hours labor from an employee. Two reasons for this alone are sufficiently explanatory.

First. In case of accident, where the use of labor might save thousands of dollars, further expense, and possibly a great number of lives.

Second. The condition of affairs which exists just as they do at the present day. The manufacturer must get full value for every dollar he expends or be forced to abandon his business.

This is not the time to pass any such bill as this.

The other side is the side of the employee. Some men in the laboring class are ambitious. They certainly don't want to be hampered by a law made for them by labor leaders or unambitious labor; they want to work more than eight hours, just as their employer does; just as pretty nearly any man who makes a success in the world must work. They want to earn more than a fixed sum laid down by law.

Again, the time is not ripe to make such a law for the laborer. The manufacturer is not making a lot of money just now. He must get more service from his employees in order to pay living wages. If he can only have eight hours work he is liable not to get enough to live on. It is better that he should work as he sees fit at the present time. The time may come when this law might be a good one, but not now, because both sides will do nothing but seek some manner of breaking it.

We trust you can consistently lend your efforts to speedily defeating this bill, and we assure you of our appreciation of such efforts.

Yours, truly,

GEO. S. PAGE, *General Manager.*



[The Employers' Association of Utica, N. Y.]

UTICA, N. Y., March 30, 1908.

HON. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: This association, as such, has not as yet protested against the Gardner eight-hour bill at present before the subcommittee of the House Labor Committee.

It has, however, brought the matter before its Representative, Hon. James S. Sherman, and urged him to do all in his power to have it die in committee, reported adversely, or beaten in the House if favorably reported.

This association is composed of corporations and individuals representing over 12,000 employees. It feels its strength entitles it to a hearing and its wishes treated with respect.

The tendency of both political parties to pamper to the labor classes and keep them discontented with their condition, which is far better than in any other country in the world, is deplorable.

The bill is political—purely so—coming on the eve of a Presidential and Congressional election, and is vicious. It is applicable to the labor classes and mechanics only—the other employees derive none of its so-called benefits—therefore it is class legislation and we question its constitutionality. The result will be damage to an inconceivable extent, and the taxpayer, be he capitalist or laborer, will have to foot the bill, and capital will be more strongly arrayed against labor, and, the reverse. Conditions instead of being improved for either they will be infinitely worse.

The Government is a large purchaser of supplies at the lowest price, quality being equal. With an eight-hour day, with ten-hour pay, will necessarily compel the manufacturer to raise the price of his goods, foreign countries will then be putting their goods on the market for sale at a lower price than the American manufacturer can make them for, and away goes his trade, the output will grow less, less demand for labor, and, in the end, not only is labor hurt, but the manufacturer is ruined.

It will bar out competition on all Government work. Shops operating ten hours a day can not handle one set of men working eight hours and another set working ten hours, and such shops would be unable to bid, and in this way competition would be destroyed; a few shops would do Government work exclusively, make enormous profits, as there would be no competition, and this would force many concerns out of the field in Government work.

Under present conditions manufacturers can now get foreign contracts, but if this burden be added, the limit being so close, no foreign contracts could be obtained.

This bill attacks the stability of the greatest manufacturing interests in the country, upon which depends the prosperity of all manufacturing and business generally.

We are just beginning to recover from a fearful panic, caused by lack of confidence, and now, forsooth, it is proposed to again destroy the confidence of the manufacturer by enacting a law so thoroughly obnoxious to all his interests.

It is only an entering wedge to force an eight-hour day upon all manufacturers and thereby cause widespread demoralization in business.

We therefore trust you will listen to the best interests of your country and let this bill die where it is.

Very sincerely and truly, yours,

EMPLOYERS' ASSOCIATION OF UTICA, N. Y.  
By S. DERING, Acting Secretary.

[Universal Button Fastening and Button Company.]

DETROIT, MICH., April 13, 1908.

HON. J. J. GARDNER,  
Washington, D. C.

DEAR SIR: May we present our earnest request that the letter written you, protesting against the passage of the eight-hour bill, by us dated March 2, be made a part of the printed record of the hearing?

Thanking you in advance for your kind attention to this matter, we are,

Yours, truly,

UNIVERSAL BUTTON CO.,  
L. R. CARLEY,  
General Manager.

[The United Glass Manufacturers' Association of Chicago.]

CHICAGO, February 20, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: At a meeting of the United Glass Manufacturers' Association, representing the mirror plate and ornamental glass interests of this city, an order was passed unanimously, and I directed to enter the protest of the said association against the Gardner eight-hour bill now pending before Congress, and we are advised as having consideration at the hands of the committee of which you are chairman at this time.

Respectfully,

JOSEPH J. VOGEL,  
*Secretary-Treasurer.*

[Union Lumber Company.]

SAN FRANCISCO, CAL., February 25, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to the Gardner bill, which, as we understand it, is up before the House Committee on Labor, it is our opinion that it is of great importance that this bill should not become a law, as it would tend to paralyze the industry and business of the country.

Yours, truly,

UNION LUMBER CO.,  
 By C. R. JOHNSON, *President.*

[Union Brass and Metal Manufacturing Company.]

ST. PAUL, MINN., February 25, 1908.

MR. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We notice that you have at the present time under consideration House bill 15651, a bill providing for an eight-hour day on all Government work. We earnestly request you to do all in your power that this bill may be reported unfavorably, as it would prevent manufacturers which run their factories on a nine and ten hour basis to figure on any Government work, unless they would work their crews on Government work in separate shifts.

In our opinion this would result in a monopoly to certain contractors, and also to the labor unions, and would be a detriment to the Government in not getting their work done as cheap as private people.

We consider this bill class legislation of the worst kind and vicious, to say the least, which should be under all circumstances defeated in the committee. We hope you can impress on the House Labor Committee the dangers with which the manufacturers are confronted, and sincerely hope that the bill will be reported unfavorably.

Yours, very truly,

UNION BRASS AND METAL MFG. CO.  
 E. J. SEITZ, *Secretary.*

[United Industrial Fibre Company of New Jersey.]

LOCKPORT, N. Y., February 19, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We understand that there is an eight-hour labor bill now before your committee, introduced by Representative Gardner, of New Jersey (H. R. 15651), and we take the liberty to write you and let you know we are opposed to it.

We believe the ultimate object is to secure, by added legislation, a general eight-hour day in private employment. In our opinion, the greatest good to the greatest number will be accomplished by leaving this matter to be adjusted in the realm of business rather than by legislation. We trust you will see the matter in this light and oppose the bill.

Yours, truly,

UNITED INDURATED FIBRE CO. OF NEW JERSEY,  
 By C. E. FOLGER, *Assistant Treasurer.*

[Utz &amp; Dunn, fine shoes.]

ROCHESTER, N. Y., *March 12, 1908.*HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: Our attention has been called to the analysis of the Gardner eight-hour bill, H. R. 15651.

This bill seems not only unjust, but a blow at the personal liberties of the workers of the country. We most earnestly protest against it as being not only unfair, but an infringement on a man's constitutional rights.

Yours, respectfully,

UTZ &amp; DUNN.

[Union Steel Casting Company.]

PITTSBURG, PA., *February 28, 1908.*HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We note bill, H. R. 15651, requires all manufacturers working for the Government to employ men at eight hours per day and is similar to legislation proposed in former Congresses.

It would be very unfortunate to us if this bill should become a law, as a certain percentage of our business is done for the Government, but the majority of it is not.

Manufacturing steel castings is such that separate labor could not be employed for Government work, and to attempt eight-hour labor on our other work would destroy our ability to compete in the market. If this bill should become a law it will prevent our working for the Government under any circumstances.

Yours, very truly,

UNION STEEL CASTING CO.,  
C. C. SMITH, *President.*

[United States Gypsum Company.]

CHICAGO, ILL., *February 29, 1908.*HON. J. J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We wish to file a protest against the passage of the Gardner eight-hour bill, file 15651.

We believe that this as it now stands is a menace to the manufacturing industries of this country.

Yours, truly,

UNITED STATES GYPSUM CO.

[United Iron Works Company.]

SPRINGFIELD, MO., *March 13, 1908.*CHAIRMAN HOUSE LABOR COMMITTEE,  
*House of Representatives, Washington, D. C.*

DEAR SIR: I note that the hearings on the eight-hour bill are now in progress before the House Labor Committee, and we wish to enter our protest, in as vigorous manner as possible, against the enactment of such a bill. We believe it is manifestly unfair, not only to the employer of labor, but to the workmen as well. It is unfair to the employer, as it puts him at a decided disadvantage in competing with foreign manufacturers, to say nothing of the additional inconvenience and expense that will be thrown upon him by the passage of this bill. It is also, we believe, still more unfair to the workman, depriving him of his right to contract and restricting him in the sale of the only commodity he has to offer in the market and arbitrarily reducing his capacity. It is not reasonable to assume that manufacturers will pay as much earning for eight hours' work, as they will for nine or ten hours, and in this way the employee who is restricted to eight hours' work is handicapped to just this extent. Taking a practical example, for instance: If we had a Government contract for an ice plant (as we are builders of this class of machinery), and this law became effective, part of our men would be allowed to work only eight hours and be paid proportionately, in spite of

their probable desire to work longer, while the balance of the men would be permitted to work the full ten hours with increased remuneration. The hardship that it would work upon the employees who were engaged on Government work is apparent. Again, if this country is to go forward in the manufacturing line, it is bound to find a market for its surplus products abroad. How, then, will we be in a position to compete with other manufacturers, when this law shall be made to apply to all classes of industry? And to be consistent, if it is a good thing for work for the Government, it should be equally applicable to other classes of work. We sincerely trust that the bill will not be allowed to pass in its present form.

We also wish to protest against the enactment of the amendment to the Sherman antitrust act, which would exempt labor organizations from its terms and make all labor unions immune from its provisions. If this is not class legislation in its most virulent type, I fail to see what else it means. Why one man should be exempt from the provisions of law simply because he is a member of some labor union seems to me to be entirely unconstitutional and certainly is not a square deal. It is so openly dictated by the union men themselves that I think that every Member of the House of Representatives would lose his self-respect in supporting such a measure, which certainly can not meet with the approval of the majority of the citizens of this country.

The passage of these measures will be watched with eager interest by all the manufacturers in the country, as on the passage or defeat of same will depend largely the future failure or success of our industrial industries.

Yours, respectfully,

H. T. HORNSBY,  
General Manager.

[The Vilter Manufacturing Co., ice-making and refrigerating machinery.]

MILWAUKEE, WIS., March 30, 1908.

HON. JOHN J. GARDNER,

*Member of Congress, Washington, D. C.*

DEAR SIR: We notice that there is a bill before the House Committee on Labor, H. R. 15851, which was introduced by you, limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

In our opinion this is a far-reaching bill. If such a law is enacted, all the manufacturers of the United States who do work for the Government will be badly handicapped, because the shop that wants to figure on the Government work, as we do, is operating ten hours a day, or sixty hours per week; and we are operating our shops nights, and the night men also work sixty hours per week; consequently, we would be barred from figuring on Government work. We could not handle one piece of work in the shop and have the men work only eight hours, and on other work ten hours; and a great many other manufacturers throughout the United States would be barred from figuring on Government work just the same as we would be, and there would be no more competition. A few shops then would do the Government work exclusively, and they could well afford to operate their establishments eight hours a day, because they would have no competition, and would make, in spite of operating their works eight hours only, enormous profits, because all competition is cut out, and we do not believe that such actions are fair to the taxpayers of the United States.

As to operating our works eight hours, it would mean that we have to pay the men as much wages for the eight hours as they are now getting for ten hours, because they could certainly not reduce their living expenses, and I think his living expenses would cost more, because he would have two hours more per day to spend his earnings in.

We do a great deal of business in foreign countries where we meet English, German, and French competition, and can get contracts with our present situation, which is shown by the fact that last year we shipped about \$110,000 worth of machinery to Japan and about \$90,000 to Mexico, and we had smaller contracts in Central and South America. Some Japanese gentlemen, who came via Seattle to us, and then went on farther east to figure, and from there to England and Germany, finally came back to New York and closed contract with us for a couple of plants. It is our push and energy that brings this work to the United States, and certainly helps not only the laboring man who does the actual work, but also, helps the grocer and the butcher and a great many others,

say nothing about the clothing men; and this money we can get from foreign countries will certainly tend to build up this country.

Now, if we would be compelled to work eight hours per day and pay the same wages as we do for ten hours, we could not expect to get any foreign orders. I know the limit is very close now on account of the enormous high wages that we pay in this country. I was in Europe last summer and was in a great many shops, and know what wages are paid over there, and it would be a hardship to the manufacturer in this country if such laws are enacted. The sensible workingman I know does not want it. I have been a hard-working man all my life. I started as a blacksmith's helper, then learned the machinist's trade, and then went out on the road, erecting machinery; then called back to the shop, and for six years was foreman; and therefore I know the sentiment among the good workmen.

It is the labor leader that does nothing but to bring his organization—that is, the workmen—into trouble, and he is the one who wants it, including the agitator, the walking delegates, and such people that live on the earnings of the worker, and I do not think that they should be encouraged. If a strike is ordered in one place, the man working in the other place has to foot the bill, and of course the agitator has more work. He comes in for a higher salary, and of course he has his friends, and they will vote a higher salary for him.

All manufacturers who are doing a foreign business, we are sure, are not in favor of any such law, because they will not be able to compete with foreign countries.

We are under the impression that the Congressmen and Senators are elected by the people to do the very best for the taxpayers that they can, and by making such laws they certainly are not. They are not helping the working man and they are not helping the manufacturer; they are only helping the labor agitator, because when such law is passed the walking delegate will take all the credit to himself, and will get a raise in his salary, and that is all he cares for. He does not care one iota for the hard worker. All that the walking delegate will do for the worker is to tax him a little more, possibly 5 cents or 10 cents per month.

We employ 650 men and have machinists, pipe fitters, molders, core makers, millwrights, carpenters, pattern-makers, and laborers. They are all satisfied, and we are operating an open shop throughout. We are paying these men as to their value, and are not paying them by dictations of the union. The good man gets \$4 and \$4.50 per day and the poor man gets what he is worth, but there is no uniform scale of \$3 or \$3.25 or \$3.50, which the union demands. That would bring the best man down to the union scale and the poor man up to the union scale, and the good man who wants to get along in this world, and who is entitled to consideration for his knowledge and the work he performs, does not get a show when the unionism controls the shop, because the shop committee will dictate that this certain piece of work takes so many hours to perform it. The good man may be able to make it in half of the time, but he is not allowed to do so, because it takes the poor man that long to make it, and the poor man who pays his dues must be taken care of. Is that justice?

Hoping that you will take our argument into consideration and thanking you in advance for having the above letter made a part of the printed record of the hearings, we remain,

Yours, respectfully,

THE VILTER MANUFACTURING COMPANY,  
THEO. O. VILTER, *President*.

[The Virginia and Pittsburgh Coal and Coke Company.]

FAIRMONT, W. VA., *February 18, 1908.*

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: We believe that an eight-hour bill, H. R. 15651, which is to have a hearing on the 18th of this month before a subcommittee of the House Committee on Labor should be reported unfavorably, as such a bill would be injurious to all of the business interests of our country. It would also, in our judgment, finally injure the labor element.

Yours, very truly,

THE VIRGINIA AND PITTSBURGH COAL AND COKE CO.,  
R. M. HITE, *General Manager*.

[The Van Dorn Iron Works Company.]

CLEVELAND, OHIO, *February 20, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,  
House of Representatives, Washington, D. C.*

DEAR SIR: We are conversant with your bill, H. R. 15651, which is, we understand, to have immediate attention before the subcommittee of the House Committee on Labor. We wish to state that we are running a large factory, employing approximately 500 mechanics of all kinds. We pay by the hour, and our regular practice is to quit at Saturday noon. However, by mutual arrangements with the employees, we sometimes run full. The mutual arrangements are satisfactory to the employees as well as ourselves, and we would respectfully protest to any bill limiting the hours of labor to eight hours. We believe that the right of contract should extend to employers and employees as well as other propositions. Our factory has run for thirty years without a strike or labor troubles whatsoever.

We would thank you to give this communication consideration.

Yours, very truly,

THE VAN DORN IRON WORKS COMPANY,  
J. H. VAN DORN, *President.*

[Vermont Unfading Green Slate Company.]

FAIR HAVEN, VT., *February 22, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: On behalf of the Vermont Slate Operators' Association, I desire to protest most strongly against the eight-hour bill, H. R. 15651, recently introduced in the House. This bill, if passed, would work a great injustice to the slate manufacturers of Vermont, not only because it would be the opening wedge to a general eight-hour day in private employment by added legislation, but because of the many complications which would arise if we supplied slate for the Government under our present working conditions.

Therefore, sir, we protest against a favorable report on this bill.

Very truly, yours,

J. PINCKNEY H. ADAMS,  
*President Vermont Slate Operators' Association.*

[Virginia Slate Company, Incorporated.]

ARVONIA, VA., *March 11, 1908.*

HON. JOHN J. GARDNER, *Washington, D. C.*

DEAR SIR: We respectfully beg to enter protest against the passage of the eight-hour bill now being placed before your committee.

We feel that the passage of this bill will be inflicting a hardship on the manufacturing interest of this country and very far-reaching in its effect.

Respectfully submitted.

Yours, very truly,

VIRGINIA SLATE COMPANY (INC.),  
T. H. GARDEN,  
*Vice-President and General Manager.*

(At the request of the Virginia Slate Operators' Association, of which association the writer is president.)

[Telegram.]

TRENTON, N. J., *March 10, 1908.*

HON. JOHN J. GARDNER,  
*House Representatives, Washington, D. C.*

We hope you will not report favorably on the eight-hour bill. That law will be bad for manufacturers.

THE WHITEHEAD BROS. RUBBER CO.

[The Warren Electric and Specialty Company.]

WARREN, OHIO, *March 5, 1908.*

Hon. J. J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Referring to the Gardner bill, known as H. R. 15651, we would respectfully call your attention to the great hardship the passing of this bill would work upon manufacturing industries where the hours of labor are in excess of those stated in this bill. In the present state of industrial depression it is exceedingly hard to keep operatives at work at all, and to thus arbitrarily increase the cost of production would mean the taking away means of subsistence to many hundreds of families and the closing down of many industries.

We would therefore suggest that in our opinion, shared in by the majority of our fellow-manufacturers, such bill should not go upon the statutes of the United States as one of her laws, and would ask your influence and vote in opposition to the measure.

Very truly, yours,

THE WARREN ELECTRIC AND SPECIALTY CO.

[Wilcox, Crittenden &amp; Co., Incorporated, marine hardware.]

MIDDLETOWN, CONN., *February 24, 1908.*

Hon. J. J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: We beg to refer to the eight-hour bill which you have recently introduced. On account of the situation generally throughout the country we respectfully submit that in our opinion the time is not opportune for legislation of this sort. Business is still quiet, confidence is lacking, and the percentage of men unemployed in manufacturing communities is impressively large. In other words, conditions are still unsettled, and it seems to us that if the bill in question should prevail it would prove to be a disturbing factor and an additional burden.

At frequent intervals we are bidding on and furnishing for Government use certain goods of our manufacture. We should like to continue furnishing such supplies, and if this bill should pass it would shut us out completely.

As to other general and particular reasons against such legislation, they are so well known that we do not think it necessary to refer to them in detail. In our opinion they are still applying with full force.

Respectfully, yours,

WILCOX, CRITTENDEN & Co. (INC.),  
Per H. C. WHITTLESET, *Secretary.*BOSTON, MASS., *February 18, 1908.*

Hon. JOHN W. WEEKS,

*House of Representatives.*

DEAR SIR: I understand there is a bill before Congress known as the Gardner eight-hour bill, which if enacted would prove a great detriment to the manufacturing industries of the country. In the present condition of business in this country it seems to me to be a very short-sighted policy on the part of the unions to disturb the conditions still more by endeavoring to pass such a bill.

In my own business we have recently passed through a strike which lasted almost a year because the unions demanded an eight-hour day in all departments and without notice. I trust that your influence will be used to prevent this class legislation. The unions are all so strong that they practically enforce all demands. They are certainly able to do so in every case where their demand is at all reasonable. I believe that all of the people should be left as free as possible and not hampered by unjust or discriminating laws. The unions and the associations of manufacturers are at present well able to regulate such matters.

Yours, sincerely,

OSCAR W. WALKER.

[Worcester Pressed Steel Company.]

WORCESTER, MASS., March 30, 1908.

HON. JOHN J. GARDNER,

*Committee on Labor, Representative, Washington, D. C.*

DEAR SIR: We are opposed to the bill No. H. R. 15651 which you introduced into the House of Representatives January 29, 1908, limiting to eight hours daily service of laborers and mechanics employed upon work done for the United States or for any Territory or for the District of Columbia, and for other purposes.

We have studied the present law and the new bill, and believe a law limiting the daily labor to eight hours for Government work must inevitably soon spread to all manufacturing plants in the country. Many plants will have to shut down as they will not be able to compete in foreign markets.

Most workmen are better off working ten hours a day, because if they worked but eight hours a day the other two hours would be spent upon the streets, dissipating and spending money. When men derive their pleasures from the physical rather than from the mental they are apt to indulge themselves to self-destruction; their ideals must be raised with their wages and leisure. Two hours a day idleness is a menace. Legislate to raise ideals, not idleness. Encourage thrift, not indulgence.

We believe that such a bill would endanger the manufacturing industries of the country, curtailing their output and forcing failures of firms who now just make ends meet, but are able to keep their men employed.

We must do all we honorably can to oppose the passage of this bill through Congress.

Yours, truly,

WORCESTER PRESSED STEEL COMPANY,  
JOHN W. HIGGINS, *General Manager.*  
Per W.

[Walker Bros. &amp; Hardy (Incorporated).]

FARGO, N. DAK., March 30, 1908.

HON. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: As secretary of the local Typothetae, I can not feel that my duty to that organization is complete until I have written you protesting against the eight-hour bill that you now have before Congress. Whilst it is true that we do little if any work for the Federal Government, and for that reason the effect of this bill, if it should pass, would affect us but little, yet as a general proposition our organization feels that it would be a step in the wrong direction. In our country, where the seasons are so short, it would hamper a contractor considerably to be obliged to curtail his working day to eight hours per day. We have barely six months in the year in which work on buildings or any outside work can effectively be carried on and to reduce the working hours during these six months 20 per cent would entail a great hardship. Our own experience in the matter of hours is that when the hours are shortened we find the workmen all anxious to work overtime, most of them being unable to find occupation for the hours that have been curtailed.

Speaking on behalf of our association, I would ask you to make this letter a part of your printed record.

Trusting that this communication will receive your careful consideration, I beg to remain,

Yours, very truly,

J. P. HARDY,  
*Secretary R. R. V. Typothetae.*

[Weyl Bakery and Café Company.]

ST. LOUIS, MO., February 27, 1908.

HON. JOHN J. GARDNER,

*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Kindly use your efforts to protest against the passage of the Gardner bill (H. R. 15651).

Respectfully,

WEYL BAKERY AND CAFÉ CO.,  
A. WEYL, *Secretary and Treasurer.*



[Woodhouse Chain Works.]

TRENTON, N. J., *March 9, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We understand that to-morrow you, as chairman of the subcommittee and chairman of the full committee, will report favorably or otherwise on the eight-hour bill now under consideration.

We want to enter our protest as manufacturers against the bill going through in its present shape. It will materially affect the cost to the Government of all goods that it purchases, which of itself is sufficient reason, we consider, to report unfavorably on this bill. Another point is that in competition with other manufacturers, especially from abroad, where they work anywhere from ten to fourteen hours per day, as against proposed eight hours in this country, even though wages were cut equally to fit, we would not be able to compete with the tariff charges added to the foreign product. On some lines of our manufacture the German manufacturers are still able to furnish chains in this country, after paying duty, at considerably less figure than we are able to make.

In our line of business we never run more than nine and a half hours per day, and in the actual work of making the chain we do not work more than six to eight hours. The difference in the time between the actual working and the running hours in the factory is consumed by cleaning out the furnaces and other incidentals in connection therewith.

We simply want to add our protest against the favorable reporting of this particular bill.

Yours, truly,

WOODHOUSE CHAIN WORKS.

[Whiting Foundry Equipment Company, Engineers.]

HARVEY, ILL., *March 6, 1908.*

HON. JOHN J. GARDNER,  
*Committee on Labor, House of Representatives, Washington, D. C.*

DEAR SIR: We have before us copy of the bill H. R. 15651 and earnestly desire to protest against the adoption of this measure, as we believe it to be unjust, ill advised, and wholly unnecessary.

We feel that if legislation of this character is enacted it will be but the entering wedge and that a desperate effort will be made to force the eight-hour day, making it applicable to the general run of commercial work. This, in our opinion, would be most undesirable, not alone to the manufacturer, but to the employer as well. The eight-hour day, should it ever become a fixed factor in the manufacturing world, will curtail the output of the manufacturing industries, add to the cost of production, and in the end react directly upon the laboring element.

The manufacturing industries of the country represent a vast amount of money, and these industries are entitled to the fostering care of our legislative bodies. It is the employers' money which is at risk; he must finance these industries; must spend his money in looking up markets for his product. That the burden is on the manufacturer is most forcibly brought to his realization in times like the present; he must strain every effort to keep his factories in operation and his men employed even if, as is often the case, the financial result shows a deficit.

We ask you, as chairman of the committee, to kindly give our letter your personal consideration, and we trust it will be entirely consistent for you to oppose the passage of the proposed bill.

Thanking you in advance for your consideration, we are,

Yours, very truly,

WHITING FOUNDRY EQUIPMENT CO.,  
 A. T. WHITING, *Secretary.*

[Willcox &amp; Gibbs Sewing Machine Company.]

NEW YORK, *February 25, 1908.*

MR. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: If the eight-hour bill (H. R. 15651) has not yet been acted upon, we respectfully enter our earnest protest against a favorable report by your committee.

As you are aware, manufacturing interests all over the country are now in a very

depressed condition, and recovery to a normal state of affairs seems far distant, being retarded and in many cases absolutely prevented by agitation of labor questions.

It is a truism to say that the business of our country needs a rest. Let us have it, and especially at this time do not force upon the country an eight-hour law. Such a law in any case to be equitable should apply to all classes of workers, including employers as well as employees.

Yours, truly,

WILLCOX & GIBBS S. M. Co.,  
D. H. BATES.

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[Worden-Allen Company, consulting and contracting engineers.]

CHICAGO, ILL., February 24, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: Confirming telegram sent you to-day. We beg to say that we are advised that a bill is now pending before your committee which provides that no laborer or mechanic doing any part of the work contemplated by the contractor or in the employ of the contractor or any subcontractor for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work, and that this bill, if enacted into law, would absolutely prohibit our making any tenders for furnishing structural steel work for Government jobs, since it is a physical impossibility for us to fabricate work in our shop on which men are employed but eight hours a day.

If this bill be enacted we believe that it would mean the restriction of Government orders to shops making a specialty of Government work and doing practically nothing else, and would mean a considerable increased expense to the Government on account of excessive freight charges on work executed by shops not advantageously located with reference to the particular job in question.

At present that portion of the work which is executed at the building site is done on an eight-hour basis, and this is entirely satisfactory, but it would be absolutely impossible for us to get men to work but eight hours a day in our shops, even though we paid higher wages than our competitors, who are running ten hours. Our men want ten hours work at the highest possible wages we can afford to pay them, and, as we said before, it is a physical impossibility for us to run eight-hour work through a ten-hour shop.

We sincerely hope that you and your committee will not conclude to make a favorable report on this bill, as we are confident that it will result in considerable increased expense to the Government in connection with its construction work and operate as a hardship on almost all concerns engaged in our line of business.

Thanking you for any consideration you may give us, we remain,

Very truly, yours,

WORDEN-ALLEN COMPANY,  
B. L. WORDEN, *President*.

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[J. Wiss & Sons Co., shears, scissors, and razors.]

NEWARK, N. J., February 18, 1908.

HON. JOHN J. GARDNER,  
*Chairman House of Labor Committee, Washington, D. C.*

DEAR SIR: Referring to H. R. 15851, an eight-hour bill, beg to state that we consider all bills relating to hours of labor as far as they concern the manufacturing interest radically wrong and of such a nature that they would practically cut out the competition of nine-tenths of the manufacturers furnishing supplies to the Government.

This would clearly result in the Government being obliged to pay much higher rates for the greater part of its supplies; and not only this, it interferes with the personal liberty of both labor and capital to engage and supply its services as it chooses.

We trust you will use your best efforts in the defeating of this bill, and beg to remain,

Yours, very respectfully,

J. WISS & SONS CO.,  
Per F. C. J. WISS, *President*.

[L. Wolff Manufacturing Company, plumbing goods.]

CHICAGO, ILL., February 20, 1908.

HON. JOHN J. GARDNER,  
Chairman House Committee on Labor,  
House of Representatives, Washington, D. C.

DEAR SIR: As successful bidders for the furnishing to the Government in the past of plumbing material, we wish to call your attention to a few facts which would make it impossible for us to bid on Government work in the future should the eight-hour bill, which your honorable body is considering at the present time, be made a law.

We employ at the present time something over 3,000 men, representing from nine to eleven different and distinct trades, on this work.

It would not be possible to get up the heat in our foundries; nor enameling shops where the porcelain lining is done, in eight hours each day.

The eight-hour day would drive those who successfully and economically manufacture goods in our line for the Government at the present time from that field, and the Government would be compelled to pay much more for its supplies to a few individuals who would make a specialty of that work.

We trust therefore that for the welfare of the Government in obtaining its supplies economically you will do what you can to defeat the bill.

Yours, truly,

L. WOLFF MFG. CO.,  
JNO. F. WOLFF, Vice-President.

[Whitall Tatum Company, glassware and druggists' sundries.]

MILLVILLE, N. J., February 21, 1908.

HON. JOHN J. GARDNER,  
Chairman Labor Committee, Washington, D. C.

DEAR SIR: Our attention has been called to bill H. R. 15651, introduced by you at the present session of Congress.

The bill provides for all workmen working on Government work to labor only eight hours.

As we do a great deal of work for the Government in the way of manufacture of glassware, we are very much opposed to this legislation, as it is entirely impracticable for us to employ part of our workmen for eight hours when they are working on Government work, while the balance of our workmen work eight and one-half and nine hours. We are also opposed to the principle of an eight-hour law unless it is made universal over the entire country for all kinds of skilled work, and with the present business depression it strikes us as being a very inopportune time to place any additional burdens on the manufacturers. We hope, therefore, that you will not press your bill, and feel that at the present time there is no demand, for this kind of legislation from your constituents, nor is there a demand, as we see it, from the country at large.

If there is to be a public hearing on this bill we would like to be advised, as we may desire to present our objections to your committee.

Yours, very truly,

WHITALL TATUM COMPANY,  
GEO. S. BACON, General Manager.

[F. W. West Box Company.]

SPRINGFIELD, MASS., February 21, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We wish to enter our protest against the passage of the "eight-hour bill H. R. 15651."

We believe that any eight-hour law, or law regulating the hours of labor any different from what are now established would be an injury to us.

We have faith to believe that the matter will adjust itself equitably in due time without any forcing by legislation.

Yours, respectfully,

F. M. WEST BOX CO.  
F. M. WEST, Treasurer.

[Williams, White &amp; Co., machinery and coal chutes.]

MOLINE, ILL., February 21, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee,*  
*House of Representatives, Washington, D. C.*

DEAR SIR: No doubt you are deluged with letters with regard to labor bills, and probably heartily wish the whole subject could be avoided.

As employers, we are naturally interested. It seems to me as plain as the sun in the sky that there is no need or justice in limitation of the hours of labor to eight. Why to eight more than six or seven? Why not leave it to the automatic adjustment of time, which will surely settle such matters in the most just and satisfactory manner?

There are many kinds of occupation in which ten hours a day is not an unreasonable day's work, and will always continue to be such. There are other occupations which are so exhausting or exacting that even eight hours may be excessive. Why introduce an artificial limitation?

I claim that the Government in its own workshops has no right to introduce an artificial and false limitation of hours of labor, and it is an injury to the whole country. However, that has already been done; let it stop there.

Giving you our own experience in our own works here, I was going to say there is not a single man working for us who does not prefer to work ten hours a day rather than eight and earn the additional money thus secured. At least there are not 2 per cent of our men who do not prefer the ten-hour day rather than an eight-hour day. The truth of this is easily ascertainable. We have never in our experience found a man who preferred to work eight hours a day rather than ten. He does not find ten hours objectionable to such an extent but what he would much prefer to work ten hours and earn the two hours' additional pay rather than stop at eight.

Respectfully,

WILLIAMS, WHITE & Co.  
 HARRY AINSWORTH, *Secretary.*

[Woodward &amp; Powell Planer Company.]

WORCESTER, MASS., February 19, 1908.

HOUSE LABOR COMMITTEE,  
*Washington, D. C.*

DEAR SIR: We respectfully present to you our protest against the eight-hour bill (H. R. 15651) introduced by Hon. J. J. Gardner, chairman of the House Labor Committee, and respectfully urge that you do everything in your power to defeat same, for the reason that we execute more or less work for the United States Government in furnishing to said Government metal planing machines. If the above-named bill is enacted, it simply compels us to decline to submit bids for the requirements of the Government for goods that we manufacture.

Yours, very truly,

WOODWARD & POWELL PLANER CO.,  
 E. M. WOODWARD, *President and Treasurer.*

[The Westinghouse Machine Company.]

EAST PITTSBURG, PA., February 20, 1908.

HON. JOHN J. GARDNER,  
*Chairman Committee on Labor,*  
*House of Representatives, Washington, D. C.*

DEAR SIR: We are informed that H. R. 15651 is about to receive a hearing by your committee. We therefore beg to record with you our earnest conviction that legislation of the kind contemplated in this bill, no matter how narrow its scope, would result in most serious loss and inconvenience to business interests in general, as well as to the employees dependent upon the welfare of those interests, besides being an unjust interference with the right of employer and workman to agree upon mutually advantageous schedules of hours.

We hope that, after full consideration of the questions involved, the harmful effects which would attend the passage of this bill will be so apparent to your committee that there may be no possibility of the subject receiving favorable action.

Yours, very truly,

THE WESTINGHOUSE MACHINE COMPANY,  
 E. E. KELLER,  
*Receiver and General Manager.*

[The Wheeling Potteries Company, sanitary and art wares.]

WHEELING, W. VA., February 19, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee,  
House of Representatives, Washington, D. C.

DEAR SIR: I am advised that you have recently introduced into the House an eight-hour bill, and that it will have immediate consideration before a subcommittee of the House Committee on Labor.

While I personally commend you for any effort you may make on behalf of labor, yet I beg to call your attention to the present condition of the pottery interests of this country—a large percentage of which you represent in your district—and assure you that it will be an additional burden upon the manufacturing potters to have the hours of labor reduced from nine to eight. The wages now being paid our employees are higher than the business will stand, and while I do not advocate a reduction of same, yet I believe it would be a great injury to the pottery manufacturers, as a class, to be compelled to pay more per diem by reason of having the hours shortened, and kindly ask you to defer definite action until you can investigate the situation and thank you in advance for any consideration you may give our interests.

Very respectfully,

CHAS. W. FRANZHEIM,  
President.

[The Whitehead & Kales Iron Works, incorporated 1906.]

DETROIT, March 3, 1908.

HON. JOHN J. GARDNER,  
Chairman of House Committee on Labor, Washington, D. C.

DEAR SIR: Our attention has been called to the eight-hour bill proposed by you. We wish to protest against this bill being reported out of committee.

Such a law, if passed, would prevent a large number of manufacturers from doing Government work, as it would be impossible or impracticable for shops working nine or ten hours per day to shut down a department an hour or two earlier for a time whenever a Government job is taken on. It would also lessen competition and very materially increase the cost of all Government work and deprive many workmen an opportunity to work on Government jobs, on account of existing conditions as to hours of labor applying to practically all of the shops in the States.

Please give this matter your very earnest consideration before having same reported out, and very much oblige,

Yours, very truly,

THE WHITEHEAD & KALES IRON WORKS.  
J. B. WHITEHEAD, President.

KANSAS CITY, MO., February 25, 1908.

HON. J. J. GARDNER,  
Chairman of the House Labor Committee, Washington, D. C.

DEAR SIR: Limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes.

I believe this bill is un-American, vicious in its intent, and will work a hardship alike on the mechanics and laborers, as well as the employer.

This measure should be defeated, and I hope you will lend your influence to the end that it may not be reported favorably by the committee.

Yours, very truly,

W. A. WILSON,  
Contractor and Builder.

[Jas. G. Wilson Manufacturing Company, rolling doors and shutters.]

NORFOLK, VA., March 17, 1908.

HON. JOHN J. GARDNER,  
Chairman House Labor Committee, Washington, D. C.

DEAR SIR: We respectfully desire to emphatically protest against the passage of the Gardner eight-hour bill, H. R. 15651. As manufacturers using labor in various parts of the country for the last thirty-five years, we feel that we have sufficient experience

to express the opinion that this bill is injurious to the best interest of labor and is also a direct attack upon the private rights of the employers of labor. We can not help but feel that owing to the veiled and indistinct language of the bill that there is an object purposely concealed, which the framers feel could not be obtained if clearer language was used, and we must respectfully protest against the introduction of this bill.

Yours, respectfully,

JAS. G. WILSON MANUFACTURING CO.,  
P. H. WILSON, *Vice-President.*

[Westminster Laundry Company.]

ST. LOUIS, *February 29, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

DEAR SIR: I wish to file protest against the eight-hour bill (H. R. 15651) now pending. Should such a bill pass, it would be very detrimental to my line of business.

Yours, very truly,

JAMES L. MUNGER,  
4136 Westminster place, St. Louis, Mo.

[Williams-Davis-Brooks & Hinchman Sons, wholesale druggists.]

DETROIT, MICH., *March 5, 1908.*

HON. EDWIN DENBY,  
*Washington, D. C.*

DEAR SIR: Our attention has been called to H. R. 15651, and we write to ask that you will use your influence to defeat the passage of this bill, as we believe that it would work a very serious injury to the manufacturing interests of the country, and will place at a special disadvantage those manufacturers who are now furnishing supplies to the Government.

Yours, very truly,

WILLIAMS-DAVIS-BROOKS & HINCHMAN SONS,  
By A. S. BROOKS, *Secretary.*

[The Willets Manufacturing Company.]

TRENTON, N. J., *March 9, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We are desirous of entering our protest against the eight-hour bill that is before your committee. The passage of such a bill will be a burden upon us, and it will deprive mankind the independence of his action. There should be no law enacted taking away the freedom of competition in trade.

Yours, very respectfully,

THE WILLETS MANUFACTURING CO.,  
EDMUND R. WILLETS, *President.*

[Warren Manufacturing Company.]

WARREN, R. I., *March 3, 1908.*

HON. JOHN J. GARDNER,  
*United States Congress, Washington, D. C.*

MY DEAR SIR: Referring to the eight-hour bill (H. R. 15651) now on hearing, I desire to enter my protest to its passage, believing it a most pernicious and damaging measure, and a staggering and fatal blow to large interests already overburdened and practically throttled. I trust the measure will fail of recommendation.

Trusting this, I remain,

Yours, truly,

F. S. DROWNE,  
*Treasurer.*

[Paul Whittis Manufacturing Company.]

NORTHERIDGE, MASS., February 18, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: I notice that a hearing on the eight-hour bill (H. R. 15651) is shortly to be had before your honorable committee. This bill has been fought in various ways in the Fifty-seventh and Fifty-eighth Congresses and defeated. It is a most mischievous bill, and if passed it certainly will be very detrimental to manufacturers all over the country, and I trust that your committee will give an adverse report. The remarks that have been presented in the past against this class legislation are all equally applicable against this bill, and it seems to me especially unwise, in view of the very depressed condition of business, to pass any adverse legislation.

Begging your pardon for troubling you, I am,

Yours, truly,

H. T. WHITTIN,  
*Treasurer.*

[R. D. Wood & Co., engineers, iron founders, machinists.]

PHILADELPHIA, February 25, 1908.

HON. J. J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Noticing that your committee is about to introduce into the House an eight-hour labor bill, I am prompted to again suggest the thought that I have so often spoken to you about, namely, that no universal arrangement is practical for a fixed number of hours each day for all laborers.

We hear a great deal about eight and nine hour working days.

Some kinds of work use a man's strength up in three hours, while at others he can as readily and as easily work twelve hours.

At average work few able-bodied men are absolutely exhausted at the end of ten hours.

If therefore an eight-hour day is established for everyone, the majority of men will be deprived of an earning capacity of 20 per cent.

The cost of necessities will be higher than at present and the ability to pay for them from daily earnings will at the same time be reduced.

Hence an eight-hour day is an "ignis fatuus."

Yours, truly,

R. D. WOOD & CO.

[The Wesco Supply Company, electrical machinery.]

ST. LOUIS, February 26, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Labor Committee, Washington, D. C.*

HONORABLE SIR: We desire to enter our protest against the passage of the eight-hour bill that has recently been introduced by Hon. John J. Gardner (H. R. 15651).

We believe the passage of that bill would be inimical to the best interests of the country.

Very truly, yours,

THE WESCO SUPPLY COMPANY,  
R. V. SCUDDER,  
*Vice-President and General Manager.*

[Baxter D. Whitney & Son, woodworking machinery.]

WINCHENDON, MASS., U. S. A., March 3, 1908.

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

MY DEAR SIR: We understand that there is a bill before the House, commonly known as the "eight-hour bill," which limits the hours of labor for work done for the United States to eight hours per day.

In regard to this matter, would say we feel very strongly that it would be a bad thing for the country for such a bill to pass, as we feel it is all in the wrong direction.

The amount of work that we do for the Government is comparatively small, and the effect of this bill direct would be to hurt the Government more than it would us.

We perhaps have half a dozen or a dozen contracts per year, generally for planers for use at the navy-yard or arsenals, and as we make the very best machine of this kind it is no doubt advantageous for the Government to buy them.

Of course, we are glad to sell them to the Government, but if this eight-hour law should pass we certainly should not bid for any such business, as we could not afford to change our hours of work for the small amount of business which we do for the Government.

Notwithstanding that the direct effect on us would be comparatively slight, we think the principle is entirely wrong, and we wish to protest strongly against the passage of the bill, and trust you will do everything in your power to prevent it.

Yours, respectfully,

BAXTER D. WHITNEY & SON.

[Warren Webster & Co., Webster system of steam heating.]

CAMDEN, N. J., March 3, 1908.

HON. JOHN J. GARDNER,  
Chairman of House Committee on Labor,  
House of Representatives, Washington, D. C.

HONORED SIR: It has come to my knowledge that your subcommittee has decided to report favorably the eight-hour bill to the full committee.

I must protest against favorable action on this bill, for reasons which are obvious to every business man and manufacturer.

It is a bill which encroaches upon the constitutional rights as to the liberties of an employer and employee on reaching an understanding as to what the employee shall sell to the employer in the way of a certain number of hours of labor or work.

Every laborer or employee has a right to work a longer or shorter period of time as he desires and as agreed upon with his employer, and this right should not be abridged by any national law covering the subject.

I have always dealt with men under me in a spirit of fairness and of proper consideration for their rights, and it is highly improper that there should be any law passed which regulates, or attempts to regulate, what should be done by or between the public at large, both employer and employee, in reference to this matter.

In the transaction of business there are sufficient difficulties at the present time in carrying on the same, due to various matters which you are fully aware; among the principals of which are the matters of currency and labor organizations, both of which are tending to narrow down the field in which an individual workman can earn his daily bread; also the continual inroads on the national prosperity by increasing the rates of transportation on both people and merchandise; also by the flotation of private corporations who control public utilities, that it seems to me a bill of the nature of this eight-hour bill should not be reported to the full committee, as I believe it to be contrary to the spirit and letter of the Declaration of Independence and the Constitution of this United States.

Please remember, my dear sir, that I do not wish to dictate in this matter, but to suggest to you that a highly proper course would be to allow this bill to remain in obscurity until a real necessity should arise for the same to be presented and to become a law in this country, and that necessity is not, in the writer's opinion, the present time.

Trusting that you will consider the subject carefully, and thanking you for any attention that you might give this matter in line with the thoughts as given above, I am,

Yours, very truly,

J. LOGAN FITTS,  
Superintendent Warren Webster & Co., Camden, N. J.

[Waite-Thresher Company, Incorporated 1892.]

PROVIDENCE, R. I., March 6, 1908.

HON. JOHN J. GARDNER,  
Chairman of the House Labor Committee, Washington, D. C.

MY DEAR SIR: Such information as we now have in regard to the so-called Gardner eight-hour bill, H. R. 15651, leads us to believe that if enacted it would work great hardship and injustice to every one under contract to the Government and would seriously, if not unconstitutionally, infringe personal and property rights.



We would, therefore, very respectfully urge you to do all ~~in~~<sup>in</sup> your power to prevent the passage of this bill.

Very respectfully yours,

WAITE-THRESHER COMPANY,  
HENRY G. THRESHER, *Treasurer*.

[Young Brothers Company, coppermiths and sheet-iron workers.]

DETROIT, MICH., *February 24, 1908.*

HON. JOHN J. GARDNER,  
*Chairman House Committee on Labor, Washington, D. C.*

DEAR SIR: We wish to protest most emphatically against bill H. R. 15651, limiting the hours of daily service of mechanics and laborers on United States Government work. As manufacturers and contractors we bid on considerable work for our Government, which would not be the case if this bill is passed.

We can not impress it upon you too forcibly the hardship and injustice this bill will inflict directly on the manufacturers and indirectly on the workmen of the United States.

Hoping your action will be adverse to this bill, we are,

Yours, truly,

YOUNG BROTHERS COMPANY.

[The Yale Brewing Company, Incorporated.]

NEW HAVEN, CONN., *February 24, 1908.*

HON. JOHN J. GARDNER,  
*Washington, D. C.*

DEAR SIR: Our attention has been called to a bill recently introduced in Congress providing for an eight-hour day. We beg to say that we consider legislation of this sort most unwise, and we think we reflect the sentiment of employers generally in the State of Connecticut.

Yours, truly,

THE YALE BREWING COMPANY,  
N. W. KENDALL, *President*.

[W. J. Young Machinery Company.]

LYNN, MASS., *March 21, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: We believe that the Gardner eight-hour bill now before your committee if passed will severely handicap a large number of manufacturing industries throughout the country, and we urge you to vote against it.

Respectfully, yours,

W. J. YOUNG, MACHINERY CO.,  
Per W. J. YOUNG, *Treasurer*.

[C. H. Young Company, building stone and marble.]

ST. PAUL, MINN., *March 10, 1908.*

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been drawn to H. R. bill 15651, intended to limit the hours of labor per day, which any contractor or subcontractor will be permitted to work on material to be used in Government buildings.

We wish to say that if this bill is passed it will mean to us that we will be obliged to discontinue competing for all cut stone and marble work for Government buildings for the following reasons:

Our machinery has not sufficient capacity to handle in any period of time as much work as our mechanics can finish in the same period, and we have therefore been running our machinery ten and sometimes twelve hours per day. We have no objection to the length of time the cutters wish to work per day, but we do object to their inter-

fering in any way with the output of our machinery. If we were not permitted to run our machinery more than eight hours per day with one shift of men it would mean that the output of our plant would be cut down about one-third or that we run two shifts of five or six hours each on the machinery, in which case we could get no men to work on the machines. Of course, we might install more machinery, but we have at present all the money invested in plant which the business in this part of the country will warrant.

On an average, we believe about 80 per cent of our employees are nonunion men, and there is not one man in our employ who objects to working at least ten hours per day, except the union men, who are greatly in the minority.

We believe that the principle involved in this bill is entirely wrong and in direct violation of the freedom which is so highly prized in this country and which has made the country what it is to-day.

We sternly protest against the passage of any such legislation.

Yours, truly,

C. H. YOUNG Co.,  
By C. H. YOUNG, *President*.

ST. PAUL, MINN., April 6, 1908.

HON. F. C. STEVENS,  
*Congressman Fourth Minnesota District,*  
*Washington, D. C.*

SIR: As a union workingman and voter, and a member of Cigar Makers Union No. 98, of this city, I respectfully call your attention to certain matters of legislation which have been, or are about to come, before the Congress of the United States for consideration, and urgently ask that you will give your earnest, cordial and effective support to the bill extending the application of the eight-hour law to all Government employees, and those employed upon work for the Government, whether by contractors or subcontractors.

This appeal is for your aid in securing justice, fair play and due protection for more than 40,000 workmen and their families in this State, and is part of a plea for such justice, fair play and protection that will reach the United States Congress from nearly 3,000,000 workmen in all parts of the country.

It is not expected that you can send a personal reply by letter to each writer of the thousands who will address you on the subject. Direct, vigorous and persistent effort in behalf of the desired legislation, as specified, will be the most agreeable and satisfactory form your response can take, and I sincerely hope this form is not too much to look for.

Respectfully yours,

GUS GOETZ.

[Erie Typographical Union No. 77.]

ERIE, PA., April 9, 1908.

HON. ARTHUR L. BATES,  
*Congressman, Washington, D. C.*

DEAR SIR: In behalf of Erie Typographical Union, No. 77, I am writing to request your support of House Bill No. 15651, known as the Gardner eight-hour bill, and House Bill No. 10556 (McHenry bill).

Your voice and vote in behalf of these bills will be greatly appreciated by the members of No. 77, as well as laboring men in general.

With best wishes, I have the honor to remain,

Yours, very truly,

GEO. A. COOK, *Secretary*.

[Glass Bottle Blowers' Association.]

MILLVILLE, N. J., April 9, 1908.

HON. JOHN J. GARDNER,  
*Washington, D. C.*

MY DEAR SIR: In the name of the members of Branch No. 7, of the Glass Bottle Blowers' Association of the United States and Canada, we urge upon Congress the necessity for immediate action for relief from the gravest and most momentous situation which has ever confronted the working people of this country. This crisis has been brought about by the application by the Supreme Court of the United States of the Sherman antitrust law to workers

both organized and in their individual capacity. Laboring classes and the people generally look askance at the invasion of the court upon the prerogatives of the law-making and Executive departments of our Government. The workers feel that Congress shares our chagrin and sense of injustice, when the courts exhibit an utter disregard of the real intent and purpose of laws enacted to safeguard and protect the workers in the exercise of their normal activities. The feeling of restlessness with which the workers view the apathy of Congress is caused by the recent decisions of the Supreme Court. In this frank statement of our grievances, the attitude of labor should not be misunderstood, nor should it be wanting in respect for our highest law-making body. While no member of Congress can evade or avoid his share of responsibility, we aver that labor and its sympathizers will hold the party in power responsible for the failure to give the prompt, full, and effective Congressional relief we know to be within its power. Therefore, we most respectfully appeal to you, as our Representative in Congress, for your hearty cooperation and support of the following bills and amendments:

1. The Pearre bill to regulate and limit the issuance of injunctions.
2. The employers' liability bill.
3. The bill extending the application of the eight-hour law to all Government employees and those employed on work for the Government by contractors or subcontractors.

Amendments to the Sherman Act. That nothing in said act (Sherman anti-trust law), or in this act, is intended nor shall any provision thereof hereafter be enforced so as to apply to organizations or associations conducted without profit and without capital stock, nor to the members of such organizations or associations.

That nothing in said act (Sherman antitrust law), or in this act, is intended nor shall any provision thereof hereafter be enforced so as to apply to any arrangements, agreements, or combinations among persons engaged in agriculture or horticulture, made with a view of enhancing the price of their own agriculture or horticulture products.

Trusting this will meet with your approval,

We are, most respectfully, yours,

HARRY VAN HOOK,  
Secretary of Branch No. 7 of Glass Bottle Blowers' Association,  
219 E. Broad street, Millville, N. J.

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[Keuffel & Esser Co.—Drawing materials, mathematical and surveying instruments.]

HOBOKEN, N. J., May 7, 1908.

HON. JOHN F. GARDNER, M. C.,  
Washington, D. C.

DEAR SIR: In view of the existing conditions throughout the industrial and business world, in which we are deeply interested as a manufacturing concern, employing close to 1,000 employees, we hereby emphatically indorse the brief submitted on behalf of the Merchants' Association of New York in opposition to the proposed amendments to the Sherman antitrust law.

We are also strenuously opposed to any compulsory eight-hour law, and still hold to the same opinion regarding it which was expressed by our secretary in a communication to the Department of Commerce and Labor, of which we inclose a copy.

In our opinion, it is of the utmost importance to the welfare of the country at large that the industrial and commercial bodies be given an assurance of quiet and rest in order to enable them to overcome the serious depression under which they are now suffering and which is not only affecting them, but practically the whole country, especially the workingmen.

Yours, respectively,

KEUFFEL & ESSER CO.  
W. G. KEUFFEL, Vice-Pres.

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Regarding the eight-hour day, we would say that, in our opinion, if it should become a law, the enormous additional cost to the Government of the various articles which it customarily procures by contract would be nothing as compared to the damage it would do the manufacturing interests of the country.

Various establishments in our line of business now manufacturing articles for the Government, as well as for domestic and export trade, are running

their plants at no less than fifty-four hours per week. None of them are dependent upon orders from the Government alone.

Should the forty-eight hour bill be passed it would be necessary for them either to run their plants forty-eight hours per week, which would debar them from competing with other concerns for the domestic and export trade, or they would have to have such hands working on Government jobs on the forty-eight hour and the other hands on the fifty-four or more basis, and this would be a practical impossibility.

Should all establishments in this line agree to work on the forty-eight hour basis they would open a field for foreign competition which no amount of special machinery, American ingenuity, or protective tariff could prevent.

The only alternative would be to discontinue taking contracts from the Government and depend on the local and export trade alone. That would certainly be the course which would be pursued by this company, as we would rather lose the, say, 20 per cent (which is the approximate per cent of our output on Government contracts), lay off the men employed in such work, and depend on our domestic and export trade exclusively.

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[Bernard Luscher—Wall paper, painters' supplies.]

64 DAUPHIN STREET,  
Mobile, Ala., April 23, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: At a meeting held 18th inst. the Mobile Association of Master House Painters and Decorators unanimously voted to enter our protest against the passage of the eight-hour bill, and deem it unwise and injurious to best interests of commercial and industrial peace of this great country.

Very respectfully,

BERNARD LUSCHER.

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[McClellan Paper Company.]

MINNEAPOLIS, MINN., April 23, 1908.

J. J. GARDNER,  
*House of Representatives, Washington, D. C.*

DEAR SIR: Our attention has been called to a bill introduced in Congress on January 29, by Representative Gardner, H. R. 15651, limiting the hours of daily service of labor and mechanics employed on work done by the United States, and we wish to enter our protest against the passing of the bill.

We do not believe that any great proportion of the wage-earners of the country are in favor of its passage, or that those interested in its enactment are representative of the majority of wage-earners throughout the United States.

We do believe that the passage of the bill will work great injustice to the employers of labor throughout the United States and thereby effect those depending upon the great industries of the country, and we can see no lasting benefit to the people as a whole to be derived were it to become a law.

Thanking you in advance for giving this matter your consideration, we remain,

Respectfully, yours,

MCCLELLAN PAPER COMPANY,  
W. O. HAWKINS, *Secretary*.

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[Employers' Association of Mobile.]

APRIL 17, 1908.

HON. JNO. J. GARDNER,  
*U. S. House of Representatives,  
Washington, D. C.*

DEAR SIR: At a meeting of the Employers' Association of Mobile, held Monday, April 13, 1908, the following resolution was passed:

"Resolved, That this association earnestly protest against the passage of the so-called eight-hour bill (H. R. 15651) now pending before Congress, and that the secretary be instructed to send a copy of this protest to Hon. Jno. J. Gardner, author of the bill, and Hon. Geo. W. Taylor, our local representative in Congress."

In compliance with the above resolution I have the honor to respectfully call your attention to the protest and ask your consideration of the same.

Very respectfully,

J. H. McCORMICK, *Secretary.*

[O. H. Olsen, General Contractor.]

STILLWATER, MINN., April 16, 1908.

HON. JOHN J. GARDNER,  
*House of Representatives,*  
*Washington, D. C.*

DEAR SIR: As an employer of labor and general contractor both for public and private buildings, I wish to enter a vigorous protest against the so-called eight-hour bill now being considered by the Subcommittee of Labor, of which you are the honorable chairman, and also author of the above-mentioned measure.

This class of legislation is most drastic, pernicious, and unfair to manufacturers, contractors, also to all independent craftsmen, and uneconomical. It is un-American and not worthy of enactment by a constituted body of freemen in a government for and by the people. It is just a few of the leaders, or, rather, "demagogues" of organized labor who seek this legislation; they also seek to destroy the fundamental principles upon which our progress is based—"freedom." It has been the pride of the American people to foster, encourage, and build up industries and give freedom and full scope to ability and genius, which have been the mainspring to the rapid development of our great and glorious country in every branch of commerce and industry. The thrifty, intelligent, and industrious have succeeded. The dullard, indolent, lazy, and shiftless have become envious, because "they could not reap where they did not sow." Out of this has sprung the social disorder and doctrine of which the country now is beginning to realize that it is danger in it.

This eight-hour law clamored for is one of the measures whereby they want the industries of America to feel the power they have attained, and by wielding the whip over their constituents and men in public life they demand recognition just or unjust, and if it is not heeded they intend to put men of their own type and own way of thinking in the field, and then what? The sooner they do, the sooner they will meet the just retribution that every unfair action deserves.

In the history of the world no unjust, unfair, unreasonable bigoted demagoguery ever succeeded; it met its Waterloo, and so it ever will. If legislation of this and kindred measures are enacted, the socialistic organizations clamoring for them are not the only responsible parties. No, my dear sir, the legislators by whose assistance these measures become law are responsible even in a greater degree, as they are men of intelligence, ability, and wisdom, sent to the legislative halls to enact laws which are beneficial to the country in general, based upon constitutional rights and in honor to our forefathers and the flag under which they shed their blood, to maintain law and order and the liberty which was the coveted price.

Down with motives which prompts legislative actions of this kind. Down with all kinds of class legislation. Down with all organizations who seek to destroy individual liberty and constitutional rights. Down with the spirit which runs through so many of the modern organizations like the real thread of which the red flag is woven, and long live the true American spirit, the Constitution, and the American flag.

Again protesting against the passage of this eight-hour bill, as well as every other unfair measure which carries in it the spirit of feudalism and bondage, and beg of you to use your influence against the bill. I beg to assure you, you will receive the gratitude and good will of millions of true American citizens, and I am voicing the sentiments of both manufacturers and employers and a great number of independent true American citizens and skilled craftsmen in this locality.

I earnestly request that this humble protest be made a part of the printed records. I want to state that I have the honor of representing a local organization called the Builders and Manufacturers Exchange, of Stillwater, Minn. This organization to a man denounce the above-mentioned eight-hour law as un-American, uneconomical, most unfair, and interfering with the individual rights, and detrimental to industrial progress.

Yours, very respectfully,

O. H. OLSEN.

[Perkins Manufacturing Company, St. Paul Wire Works.]

ST. PAUL, MINN., April 17, 1908.

HON. JOHN J. GARDNER,  
Chairman and Members of Committee on Labor, of the House,  
Washington, D. C.

GENTLEMEN: We wish to add our protest against the eight-hour bill now under consideration before your honorable committee, of which you are chairman, styled "House bill No. 15651," and request that our protest be made part of the printed records of the hearing of this bill.

We are running an open factory ten-hour work day. Our men are satisfied and prefer to earn ten-hour pay to eight-hour pay, which would be the case if the eight-hour day should be compulsory. But aside from the hardship it would entail on our men by limiting their daily output, we most strenuously object to the enforcement of such an un-American law, which is of a very radical class legislation, the real purpose of this bill being to have all factories in time compelled by law to operate only eight hours each day, irrespective of the wishes of either the employer and 90 per cent of the employees, which would be a great injustice.

We believe that the passage of this law would deprive thousands of concerns from bidding on Government work and greatly embarrass any concern contracting such work both financially as well as industrially. But above all we protest against the precedent and principle involved in such an arbitrary un-American law being passed on our statute books. It does not belong there, and we believe that your honorable committee will see the injustice of it and enter such a strong disapproval as will discourage the efforts of this class of labor agitators whose chief objects are to keep themselves conspicuous before the labor organizations of the country and to impress them with their activity and importance in behalf of their interests, and incidentally hold down a lucrative job, but who are irresponsible and care nothing for the unfairness or loss to both employer and employee.

Yours, very truly,

PERKINS MANUFACTURING CO.,  
F. E. PERKINS, Manager.

[The Stillwater Manufacturing Company—Sash, doors, blinds, moldings.]

STILLWATER, MINN., April 17, 1908.

HON. JOHN J. GARDNER,  
House of Representatives, Washington, D. C.

DEAR SIR: As employers of labor and manufacturers of exterior and interior wood-finishing material, both for public and private buildings, we wish to go on record as earnestly protesting against the so-called eight-hour bill, now under consideration by the Subcommittee of Labor, of which you are the honorable chairman and also author of the above-mentioned bill.

We believe that the enactment of this bill would be most injurious to not only contractors and manufacturers, but to skilled and ordinary labor and the common wealth of the country in general. It is unjust and un-American and foreign to the principles of the Constitution of our country, which provides for workingmen of our country.

This bill is unworthy of long consideration by your honorable body, and should be promptly "killed," as being unpopular and entirely against the interests and wishes of all contractors, manufacturers, and the great majority of workingmen of our country.

We respectfully request that this humble protest be made a part of the printed records.

Yours, respectfully,

THE STILLWATER MANUFACTURING CO.  
Per T. H. CURLEY.

[Worcester Branch, National Metal Trades Association.]

WORCESTER, MASS., April 16, 1908.

Congressman JOHN J. GARDNER,  
Washington, D. C.

DEAR SIR: Herewith please find inclosed letter of protest from a number of members of the Worcester Branch, National Metal Trades Association, against

the passage of the proposed eight-hour bill, now under consideration by a committee of the House.

Thanking you for your careful consideration of this protest, signed by manufacturers in this section of the country who employ thousands of men, we are,  
Respectfully, yours,

DONALD TULLOCH, *Secretary.*

WORCESTER, MASS., April 10, 1908.

Hon. JOHN J. GARDNER,

*House of Representatives, Washington, D. C.*

DEAR SIR: I desire to protest very strongly against the passage of the eight-hour bill now pending before the Congress of the United States.

I protest for the reason that I and other employers of labor in our section of the country do not believe in the eight-hour day, because that number of hours of labor for a workday is not by any means general in New England.

I protest also against the passage of this bill because, if a portion of the men in our shops were working on any work being a contract or subcontract from the Government and this bill became law, these men would work two hours less per day than other men employed in the same shops but who were working on general work, that is, on work not directly or indirectly for the United States Government. The immediate and only result of this state of things would be to completely disorganize the working force of that shop and cause industrial discontent and turmoil among the employees not working on Government work, all of whom would naturally want to stop work at the same hour as the Government workers did.

Another reason for strongly protesting against the passage of this bill is the fact that if it becomes law it would result in materially affecting the industries in a financial way. The yearly output of our shops as at present run would be very considerably reduced because of cutting off two hours per day per man from the productive possibility of that shop. If the normal output of workshops was to be attained, it would be necessary to enlarge the shops and place additional machines and equipment in the plants, an added expense to the manufacturer which would be a great hardship to him.

For these and other reasons with which I do not care to take up your valuable time, I do most strongly protest against this bill being reported to the House and respectfully request that this letter be made a part of the printed record of the hearings on that bill.

Thanking you for your kind attention to this matter, I am, most respectfully yours,

Edward M. Woodward, president of Woodward & Powell Planer Company, also president of Worcester Branch of the National Metal Trades Association; Geo. I. Alden, treasurer Norton Grinding Company; Edwin L. Moeth, president Curtis & Moeth Machine Company; C. F. Putnam, president Putnam Machine Company; John Bath, president Bath Grinder Company; Daniel Simonds, president Simonds Manufacturing Company; Charles Hosdick, treasurer Fitchburg Steam Engine Company; C. H. Cowdrey Machine Works, by C. H. Cowdrey; C. H. Brown Engine Company, by F. E. Brown, secretary and manager; Baxter D. Whitney & Son, by Wm. M. Whitney; R. E. Kidder, Worcester, Mass.; Jas. Kindred, Boynton & Plummer, Worcester, Mass.; Matthews Manufacturing Company, by F. S. Morton; L. A. Colvin, attorney, J. A. Colvin; Harwood & Quincy Machine Company, Thos. Cotterill, superintendent; The Robbins Machine Company, Geo. P. Taylor, proprietor; Whitcomb-Blaisdell Machine Tool Company, Chas. E. Hildreth, treasurer; F. E. Reed Company, J. R. Back, superintendent; Parker Wire Goods Company, A. St. Parker, president; The Wyman & Gordon Company, Geo. F. Fuller, secretary; McMahon & Company; C. Stewart Son; B. G. Luther Company, B. G. Luther, treasurer; Commonwealth Press, O. B. Wood, proprietor; American Optical Company, J. C. Wells, secretary; Harrington Cutlery Company, Chas. D. Harrington, treasurer; Davis Press (Incorporated), G. G. Davis, treasurer; Hoffs Manufacturing Company, C. W. Hoffs, president; Harrington & Richardson Arms Company, Geo. F. Brooks, treasurer.

# INDEX.

## A.

	Page.
Abbott, Dr. Lyman, rights of man.....	626
Acme Rubber Manufacturing Company, The.....	752
Acme White Lead and Color Works.....	756
Act 1892.....	4
Act 1868.....	631
Adair v. United States.....	8-10
Adam Electric Co., Frank.....	755
Adams and Westlake Co., The.....	754
Adams, Mr. J. Pinckney Henderson.....	721
Adams Transfer and Storage Company.....	751
Adriance, Platt & Company.....	754
Advance Machinery Company, The.....	750
Advisory Board.....	211
Alabastine Company.....	753
Albany Foundry Company.....	758
Alger, Smith & Co.....	755
Allen Manufacturing Company, W. D.....	751
Allgeyer v. Louisiana.....	9
Allison Company, W. D.....	760
Alloys, special.....	176
American Anti-Boycott Association.....	283
American Brass and Iron Company.....	757
American Bridge Company.....	193, 273
American-British Manufacturing Company.....	174
American Enameled Brick and Tile Company.....	750
American Federation of Labor.....	705
American Hardware Corporation, The.....	749
American Hoist and Derrick Company.....	759
American Injector Company.....	750
American Leather Company.....	749
American Lubricator Company.....	749
American mechanics.....	107
American Multigraph Company, the.....	758
American Ordnance Company.....	174
American Pad and Textile Company, the.....	751
American Preserve Company, the.....	758
American Sash and Door Company.....	759
American Ship Windlass Company.....	758
American Shipyards.....	107
American Spinning Company.....	752
American Stoker Company, the.....	754
American Stove Company.....	756
American Tool and Machine Company, the.....	756
Anchor Steam Laundry Company.....	755
Anderson, Mr. J. Arthur.....	753
Andrews, Mr. J. R.....	117
Anthracite Coal Commission.....	249
Anthony Screw Company.....	757
Anti Kalsomine Company.....	755
Aparejo, specifications for.....	378
Appendix (reprint from previous hearings).....	451-596



	Page.
Argentine Republic.....	117
Arizona, Territory of.....	616, 618
Arlington Company, The.....	712
Armstrongs.....	69
"Articles".....	243, 296, 606
Art Stove Company, the.....	759
Athens Brick Company, The.....	752
Atkins & Co., E. C.....	751
Atkin v. Kansas.....	9, 46, 47, 48, 289, 618, 620
Atkins v. Town of Randolph.....	23
Attorney-General Griggs.....	612
Attorney-General Miller.....	612
Attorney-General Moody.....	611
Attorney-General, opinions.....	353, 614, 615

## B.

Bacon, Mr. George S.....	747
Bailey & Sons, E.....	764
Baird, Mr. James.....	92
Baker Printing Company.....	771
Baldwin & Co., Elmer E.....	761
Baldwin Chain and Manufacturing Company, The.....	768
Baltimore Bridge Co.....	204
Baltimore Builders Exchange.....	183, 184
Baltimore Ferro Company.....	195
Baltimore Merchants and Manufacturers Association.....	183, 184, 186
Barbier v. Connolly.....	604
Barker & Sons, S.....	767
Barnhart Bros. & Spindler.....	764
Barrett, Judge.....	23
Barron v. Burnside.....	299
Bartholdt, Hon. Richard.....	109, 110, 208
Bartlett & Snow Co., The C. O.....	770
Bartlett, Mr. Edwin E.....	776
Bath Iron Works.....	78, 103, 114
Battle ships. (See Naval vessels.)	
Bayle, Mr. Geo. A.....	768
Beausobre, Monsieur.....	657
Becker-Brainard Milling Machine Company.....	777
Belfield & Co., H.....	774
Belgium, hours of labor.....	627
Belle Hickey Manufacturing Company.....	773
Beloit Iron Works.....	774
Bement-Miles Works.....	760
Bemis Bro. Bag Company.....	773
Berkowitz Envelope Company.....	768
Bethlehem Steel Company.....	156, 160, 177, 292, 596
Betts Machine Company.....	765
Bill under consideration.....	3
Binney & Smith Company.....	768
Birdsey Somers Company.....	767
Black Company, L.....	773
Blakeslee Manufacturing Company.....	775
Blanchard Machine Company, The.....	765
Blanc, Louis.....	657
Blankets, specifications for.....	392
Blount & Lovell.....	777
Blount Company, J. G.....	777
Board, in re, Washington.....	48
Board of Park Commissioners v. Common Council of Detroit.....	23
Bonnet-Nance Stove Company.....	765
Bonsack Lumber Company, The.....	768
Bornman & Sons, John.....	772
Boston Belting Company.....	767

	Page.
Boston Forge Company.....	760
Boston Harbor .....	45
Boston Machine Works Company.....	776
Boston navy-yard .....	624
Botany Worsted Mills.....	775
Bowles, F. T., Admiral.....	67, 77, 103, 104
Braceville Coal Company v. People of Illinois.....	697
Bradley & Sons, C. C.....	769
Brass foundry department, Cramps, affidavits.....	147
Braun Manufacturing Company, The David J.....	761
Brazil.....	117
Brazilian trade.....	305
Breeches, specifications for.....	393, 395
Brewster-Greene, Mr. M. E.....	174
Brewer, Mr. Justice.....	609, 622, 623
Bridge Construction Iron Workers Union.....	154
Bridgeport Brass Company.....	174, 177, 762
Bridgeport Central Labor Union.....	642
Bridgeport Manufacturers' Association.....	80, 82, 83, 174, 763
Bridgeport Wood Finishing Company, The.....	763
Bridgeton Glass Bottle Blowers' Association.....	706
British admiralty.....	213
British shipbuilders.....	70
British yards.....	77
Broad, Mr. James C.....	48
Brockman Commission Company, F. W.....	771
Broderick & Bascom Rope Company.....	772
Brooklyn Dry Dock Company.....	107
Brooklyn navy-yard.....	67, 112, 352
Brown & Sharpe Manufacturing Company.....	777
Brown Company, The E. C.....	766
Brown, Mr. Justice.....	201
Brown Shoe Company, The.....	762
Brown, Treacy & Sperry Company.....	775
Bryan-Marsh Company.....	775
Buch's Sons Company, A.....	772
Buckingham & Hecht.....	771
Buck Stove and Range Co.....	641
Buffalo Cooperative Stove Company.....	770
Buffalo Manufacturers Club.....	778
Buffalo Scale Company.....	776
Buhl Malleable Company.....	766
Bullard, Mr. E. P.....	83
Bureau Engraving and Printing.....	98
Bureau of Labor.....	58
Bureau of Construction and Repair.....	213, 214
Burke Electric Company.....	778
Burket, Judge.....	25
Burroughs Adding Machine Company.....	778
Bush, Mr. H. D.....	204
Bushnell Press Company, G. H.....	762
Butler Builders' Exchange.....	763
Rutt, Mr. Herbert G.....	761
Byran & Co.....	764

## C.

Cade, Jack.....	657
Calumet and Hecla Mining Company.....	221
Calvert Lithographing Company, The.....	788
Camden Pottery Company.....	786
Cameron Steam Pump Works, A. S.....	787
Campbell Brass Works, J. B.....	794
Campbell Iron Works.....	792
Campbell, Mr. Peter.....	706, 709, 710, 712, 718
Canadian Copper Company.....	72

	Page.
Canadians.....	72
Canal Zone.....	204, 231
Cancemi case.....	635
Cape Ann Anchor Works.....	703
Capps, Admiral.....	77
Carnegie Steel Company.....	177, 239, 257, 264, 596
Carondelet Foundry Company.....	790
Carpenters, Cramps, affidavits of.....	144
Carr & Company, Stuart R.....	901
Carriage and Wagon Manufacturers' Association, the.....	790
Carroll, Dr. D. H.....	184
Cases cited:	
Adair v. United States.....	8, 10
Allgeyer v. Louisiana.....	9
Atkin v. Kansas.....	9, 46, 47, 48, 289, 618, 620
Atkins v. Town of Randolph.....	23
Barbler v. Connolly.....	604
Barron v. Burnside.....	299
Board in re Washington.....	48
Board of Park Commissioners v. Common Council of Detroit.....	23
Braceville Coal Company v. People of Illinois.....	697
Cancemi case.....	635
Cincinnati v. Cameron.....	23
City of Cleveland v. The Clements Brothers Construction Company.....	10,
20, 25, 48, 290, 626	
Clarkson v. Stevens.....	608, 611, 613, 614
Cobb v. New England Marine Insurance Co.....	635
Commonwealth of Mass. v. Perry.....	25
Connolly v. Union Sewer Pipe Company.....	608
Converse, In re.....	9
Cooley's Constitutional Limitations.....	696
Crowley v. Christensen.....	9
Dent v. West Virginia.....	8, 6
Doyle case.....	200
Ellis v. Grand Rapids.....	612
Ellis v. United States.....	9-06, 624
Godcharles v. Wigeman.....	25
Gray v. Culom.....	298
Great Falls Manufacturing Co.....	606
Grant v. United States.....	616
Hill (4) New York.....	21
Hobbs v. Manhattan Insurance Co.....	298, 635
Holden v. Hardy.....	603, 604-621
House of Lords Cases.....	635
Jacobson v. Massachusetts.....	8
Insurance Company v. Morse.....	298, 633, 634
In re House bill No. 203 Colorado.....	25
Kentucky case.....	298, 634
Kuback, Ex Parte.....	25
Loewe v. Lawler.....	641
Lowe v. Rees Printing Company.....	25, 606
Lockner v. State of New York.....	9, 610, 623, 646
Lynah v. United States.....	606
Missouri, State of v. Loomis.....	25
Marsh et al. v. Poston & Co.....	25
Mugler v. Kansas.....	9
Muller, Curt v. The State of Oregon.....	609
Normile v. Thompson.....	49
Nute v. Hamilton Insurance Co.....	297, 298-635
Ohio, State of, v. Lake Erie Iron Co.....	25
Ohio State Reports.....	10, 20, 61, 289
Ohio Laws.....	10, 602, 603
Ohio statutes.....	620, 621
Palmer & Crawford v. Tingle.....	24, 25
Pearl v. Harris.....	298
People ex rel v. Rodgers et al.....	25, 47

	Page.
Cases cited—Continued.	
People v. Gillson .....	25
Railroad Company v. New Orleans .....	22
Reichard v. Manhattan Insurance Company .....	298
Revised Statutes, section 3709 .....	43
Scott v. Avery .....	290, 635
Security Mutual Life Insurance Company v. Prewitt .....	299, 636
Smoot v. United States .....	616
Soon Hing v. Crowley .....	604
State of Missouri v. Loomis .....	25
State of West Virginia v. Goodwill .....	25
Stephenson v. P. F. and M. Insurance Co. ....	635
Tobey v. County of Bristol .....	298
Trade-mark case .....	11
United States v. Adair .....	290
United States v. Ellis .....	45, 289
United States v. Hoffman .....	44
United States v. Jefferson .....	45, 612
United States v. Ollinger .....	613, 615
United States v. San Francisco Bridge Company .....	604
West Virginia, State of, v. Goodwill .....	25
Western College v. Cleveland .....	23
Williams v. Jockman .....	613
Wilson v. United States .....	617
Winters v. Duluth .....	612
Wisconsin insurance case .....	634, 635, 630
Wood v. Humphrey .....	298
Wheeling Bridge and Terminal Railway Company v. Gilmore .....	25,
	602, 603, 604
Yick Wo v. Hopkins .....	604, 696
Cement Manufacturing Company .....	779
Census Bulletin No. 81, July, 1907 .....	74
Central Boiler Works .....	784
Central Labor Union of Bridgeport .....	642
Central Supply Association, members of .....	781, 782, 783
Central Trades and Labor Council, Roanoke, Va. ....	706
Century Dictionary .....	612
Century Laundry Company .....	790
Chaplin-Fulton Manufacturing Company, The .....	789
Charles II .....	657
Chavaunes, Mr. F. S. ....	197
Chemnitz, hours of labor .....	58, 59
Chesapeake Iron Works .....	197
Chicago Brass Manufacturers' Association .....	779
Chicago Central Supply Association .....	780
Chicago Electrical Contractors' Association .....	779
Chicago Gas and Electric Fixture Manufacturing Company .....	789
Chicago United Glass Manufacturers' Association, The .....	929
Chicago Varnish Company .....	785
Chief Justice .....	622, 634
Chinese Water Carriers' labor union .....	645
Chromium .....	176
Cigar Makers' Union .....	645, 945
Cincinnati Employers' Association .....	192
Cincinnati Enquire, on making steel ships .....	312
Cincinnati v. Cameron .....	23
City of Cleveland v. The Clements Brothers Construction Company .....	10, 20
"Civil Engineer" .....	44
Clarkson v. Stevens .....	608, 611, 613, 614
Cleveland Store Fixture Company, The .....	786
Cleveland v. Construction Company .....	28, 48, 290, 626
Cloth, specifications for .....	400, 402, 403
Clum & Atkinson .....	779
Coats, specifications for .....	410
Coal output, limited .....	249
Cobb v. New England Marine Insurance Co. ....	635

	Page.
Cole Manufacturing Company.....	791
Collier, W. M., esq.....	43-351
Collins, Darrah & Co.....	791
Colonial Electric Company, the.....	785
Colonial Fan and Motor Company, The.....	785
Colonial Laundry Company.....	786
Commerce and Labor, Department of.....	12, 13, 15, 40, 76, 208, 294, 296, 350
Commercial Envelope and Box Company.....	788
Commissioner of navigation.....	74
Commonwealth, Mass. v. Perry.....	25
Commonwealth Shoe and Leather Company, The.....	787
Connor Millwork Company, The.....	791
Connoly v. Union Sewer Pipe Company.....	608
Connor, Hon. James P.....	111
Conrades Chair and parlor Furniture Company, J. H.....	784
Constitution:	
Fifth amendment.....	628
Fourteenth amendment.....	619, 628
Constitutional Limitations, Cooley's.....	696
Consular report, special.....	58
Continental Congress.....	658
Continental Furniture Company, The.....	792
Continental Rubber Works.....	793
Contracting Painters and Wall Paper Dealers' Association.....	808
Converse, In re.....	9
Cook, Frank B.....	786
Cook, governor of Rhode Island.....	658
Cooley's Constitutional Limitations.....	696
Cooley, Judge.....	626, 696
Cooper Underwear Company.....	787
Cowdrey Machine Works, C. H.....	792
Cowles, Mr. W. B.....	107
Cramp & Sons, The William, Ship and Engine Building Company.....	62,
64, 69, 70, 71, 77, 115, 119, 141, 142, 143,	
144, 145, 147, 205, 221, 226, 292, 596,	793
Cramp, Mr. Charles.....	216
Crawford, McGregor & Company Co., the.....	780
Crefeld, hours of labor.....	58
Crew, Judge.....	20
Croft, Sons & Company, Howland.....	825
Crossley Manufacturing Company, The.....	791
Crowley v. Christensen.....	9
Crane, Mr. Edward N.....	712
Cruisers. (See Naval vessels.)	
Cuba.....	72, 117
Cumberland Glass Manufacturing Company, The.....	789
Cummings Machine Works.....	792
Curtice Brothers Company.....	784
Curtis & Co. Manufacturing Company.....	784
Curtis Brothers & Co.....	784
Cushing, Mr. Marshall.....	534

## D.

Danish King.....	657
Davenport, Daniel, esq.:	
Argument.....	4, 283, 535, 629, 695
Examining witnesses.....	31, 32, 36, 37, 38, 44, 51, 53, 54, 55, 57,
62, 70, 75, 79, 80, 91, 93, 95, 96, 98, 100, 101, 140, 150, 151,	
152, 171, 172, 175, 178, 179, 182, 183, 224, 225, 231, 237, 238, 239,	
240, 241, 250, 252, 254, 261, 267, 272, 273, 281, 292, 306, 307, 308,	
309, 310, 312, 317, 320, 327, 328, 331, 332, 363, 415, 422, 425, 428,	
446, 448, 604, 613, 615, 617, 618, 619, 628, 651, 657, 665, 676, 683,	
684, 685, 686, 687, 688, 689, 694, 708, 714, 737, 738, 744, 745, 746, 747	
Davidson, Mr. S. M.....	800
Davis Company, The John.....	797

	Page.
Davis, Mr. Robert J.....	273
Davis, Mr. Justice.....	25, 616, 634
Davis, jr., Mr. S. T.....	62
Davis Sewing Machine Company, The.....	798
Day, Mr. Justice.....	45
Dayton Manufacturing Company, The.....	796
Dean Brothers Steam Pump Works.....	795
De Loach Mill Manufacturing Company.....	798
Dent v. West Virginia.....	696
Departmental supplies.....	296
Deterick, Mr. E. J.....	252
Detrick & Harvey Machine Company, The.....	797
Detroit Copper and Brass Rolling Mills.....	796
Detroit Forging Company.....	797
Detroit Sanitary Supply Company.....	795
Detroit Steel Products Company.....	799
Detroit Typothetae, The.....	794
Detroit White Lead Works.....	799
Dewey, Dry Dock.....	103
Diamond Chain and Manufacturing Company.....	797
Diamond Iron Works.....	796
Dictionary:	
Century.....	612
Standard.....	42, 240
Webster's.....	42, 240
Dietrich, Mr. A. J.....	202
Dilts Machine Works.....	798
District of Columbia, Employers Association of the Building Trades.....	660
Dixie Printing Company.....	798
Doble Company, Abner.....	760
Dolliver, Senator.....	853
Downey, Mr. Wallace.....	349, 708, 728
Doxford's shipyard.....	70
Dozier, Mr. L. D.....	799
Drake Marble and Tile Company.....	795
Drew, Walter, esq., examining witnesses.....	120, 126, 127, 128, 130, 134, 148, 149, 150, 151, 152, 153, 154, 155, 168, 174, 175, 176, 177, 178, 180, 181, 182, 183, 245, 246, 250, 251, 252, 253, 254, 255, 256
Duncan, Mr. James.....	7
Dunn's Brick Works.....	800
Düsseldorf, hours of labor.....	58
E.	
East End Boiler Works.....	800
Eastern Dredging Company.....	625
Eastman & Johnstone Manufacturing Company.....	804
Eaton, Major.....	616
Eau Claire-St. Louis Lumber Company.....	804
Eavenson & Sons, J.....	803
Economy Electric Company, the.....	801
Economy Rug Manufacturing Company.....	805
Edgemoor Bridge Works.....	88
Education and Labor, Committee of.....	7, 8, 17, 105, 124, 292
Eidlitz & Hulse.....	803
Eight-hour bills:	
Fifty-fifth Congress.....	336, 337, 338, 340
Fifty-sixth Congress.....	341
Fifty-seventh Congress.....	342, 343, 344
Fifty-ninth Congress.....	346
Sixtieth Congress.....	347
Eight-hour day.....	598
Eight-hour law:	
1892.....	4
New York.....	155
Ohio.....	10

	Page.
Elberfeld, hours of labor.....	59
Electrelle Company.....	805
Electric Machinery Company.....	805
Electric power v. Labor.....	670
Electrical workers' (Cramp) affidavits.....	142
Elizabethan time.....	60
Elliott Company, the.....	806
Ellis v. Grand Rapids.....	612
Ellis v. United States.....	9, 96, 624
Elmira Knitting Mills.....	806
Embree & Company, W. F.....	807
Emerson Manufacturing Company.....	802
Emery, James A., esq.:	
Arguments.....	26, 39, 648, 669, 697
Associations represented by.....	648, 649, 650
Examining witnesses.....	29, 31, 32, 34, 36, 37, 38, 83, 85, 87, 90.
91, 92, 94, 96, 97, 98, 99, 100, 101, 102, 103, 183, 187, 188, 189.	
192, 193, 195, 200, 201, 202, 205, 234, 235, 236, 238, 239, 240, 242.	
246, 248, 249, 251, 252, 256, 260, 261, 266, 267, 269, 271, 273, 274.	
275, 276, 277, 278, 279, 280, 281, 282, 289, 291, 294, 295, 296, 297.	
418, 434, 435, 436, 437, 438, 447, 450, 601, 621, 625, 660, 661, 662.	
663, 664, 665, 666, 667, 668, 672, 673, 674, 675, 676, 677, 678, 679.	
682, 683, 684, 685, 686, 689, 692, 693, 694, 695, 708, 710, 714, 720, 721.	
722, 723, 724, 726, 727, 737, 738, 739, 740, 741, 743, 744, 745, 746	
Empire Rubber Manufacturing Company.....	801
Employers' Association of the Building Trades, District of Columbia.....	690
England.....	117, 212, 215
English plague 1347 and 1348.....	60
Enterprise Iron Works.....	802
"Equipment".....	296
Erdman Act.....	8
Erecting department, Cramp's, affidavits of.....	146
Erie City Iron Works.....	801
Erie Company.....	107
Erie Foundry Company.....	807
Erie Malleable Iron Company.....	807
Erie Manufacturers' Association.....	809
Erie Manufacturing and Supply Company.....	807
Erie Typographical Union.....	945
Essen (Krupp).....	59
Esterbrook Steel Pen Manufacturing Company, The.....	801
Evens & Howard Fire Brick Company.....	804
Evening Wisconsin Company, The, electricity and labor.....	670
Excelsior Stove and Manufacturing Company.....	805
Excelsior Supply Company.....	806
Exhibits alphabetically arranged.....	749-860
Ex Parte Kubaek.....	25

## F.

Fairbank Company, The N. K.....	810
Fairbanks & Co., E. & T.....	814
Fairbanks Scale Company.....	243
Fairbault Builders' Exchange.....	808
Farquhar Company, A. B.....	810
Farrel Foundry and Machine Company.....	810
Federal Company.....	808
Federation of Labor.....	241, 244
Felgemaker, Mr. A. B.....	808
Felheim, Mr. Lyman.....	842
Fell Company, The Henry R.....	809
Ferracute Machine Company.....	813
Fidelity Storage, Packing and Moving Company.....	813
Firth & Foster Company.....	812
Firth Carpet Company, The.....	809
Fitchburg Steam Engine Company.....	806

	Page.
Fitzhenry & Company, E. L.	815
Flannel, specifications for	398
Fletcher, Mr. William H.	411, 412
Forbes Lithograph Manufacturing Company, The	810
Forbes, Mr. William D.	724
Ford, Mr.	733
Fore River Ship and Engine Building Company	78
Fort Myer	98
Fort Pitt Bridge Works	815
Foster & Bro. Company, Theodore W.	814
Foster Brothers Manufacturing Company	812
France	115
France, hours of labor	627
Franklin Manufacturing Company, H. H.	813
Franks & Sons, J. W.	811
Freedman's Hospital	94
French & Company, Samuel H.	812
French & Company, Wm. A.	811
French Parliament	657
French Revolution	657
French shipyards	216
Fuller and Warren Company	809
Fuller Company, George A.	92
Fuller, Mr. H. R.	11
Furuseh, Mr. Andrew	106, 107, 242, 529

## G.

Gardner bill	243
Gardner, Hon. John J., chairman	7, 9, 10, 11, 12, 16, 17, 27, 29, 31, 32, 33, 34, 35, 62, 67, 70, 105, 106, 107, 110, 120, 121, 123, 138, 139, 150, 152, 156, 171, 191, 193, 195, 196, 197, 211, 212, 213, 214, 216, 233, 236, 237, 238, 240, 241, 242, 243, 244, 245, 251, 252, 253, 264, 265, 267, 269, 270, 271, 272, 275, 276, 277, 279, 282, 284, 285, 286, 287, 288, 289, 290, 293, 295, 296, 297, 298, 307, 308, 310, 315, 329, 331, 332, 335, 336, 349, 355, 358, 359, 360, 361, 362, 363, 411, 431, 432, 434, 437, 439, 440, 451, 603, 606, 607, 608, 614, 615, 617, 618, 619, 620, 621, 624, 628, 629, 631, 632, 638, 639, 644, 646, 647, 651, 660, 662, 664, 665, 670, 671, 672, 677, 678, 681, 682, 683, 684, 685, 687, 688, 689, 693, 694, 707, 711, 717, 725, 726, 733
Garland, Mr. M.	481
Garson-Meyer & Co.	818
Gaumer Company, John L.	818
Gear, Senator	115
German shipyards	77
German statutes	657
Germans	72
Germany	115
Germany, hours of labor	627
Gerstendorfer Brothers	815
Gholson, Judge	23
Gilbert Clock Company, U. L.	819
Glasgow	106
Glasgow Iron Company	817
Glass Bottle Workers' Association	706, 945
Gleason, Mr. Herbert P.	714
Globe Knitting Mills	816
Globe Machine and Stamping Company, The	819
Glocker, Mr. William	221
Godcharles v. Wigeman	25
Goebel, Hon. Herman P.	108, 111, 192
Gompers, Mr. Samuel:	
Argument of	439, 504, 540, 546, 579
Examining witnesses	6, 7, 10, 19, 46, 110, 115, 116, 243, 348, 352, 353, 354, 362, 363, 416, 419, 420, 421, 422, 423, 424, 425, 427, 431, 433, 434, 435, 438, 440, 451, 597, 598, 599, 600, 601



	Page.
Goodwin Manufacturing Company.....	817
Gould & Elberhardt.....	816
Gould Coupler Company.....	819
Gould, Mr. Justice.....	641
Goulds Manufacturing Company, the.....	818
Government:	
Buildings.....	84
Contracts.....	85
Contractor.....	108
Requirements.....	71
Ships.....	71, 72, 85
Work.....	73, 92, 93
Grace, Mr. Eugene Clifford.....	156
Graham, Mr. E. C.....	36
Grand Crossing Tack Company.....	817
Grand Rapids Building Contractors' Association.....	815
Grand Rapids Furniture Association, the.....	816
Grant v. United States.....	616
Gray & Davis.....	819
Gray v. Culom.....	298
Great Britain.....	63, 64, 69
Great Britain, hours of labor.....	627
Great Falls Manufacturing Co.....	606
Great Lakes Engineering Works.....	817
Greeley Printery.....	816
Griffin-White Shoe Company, the.....	820
Griggs, Attorney-General.....	612-613
Grinnell Brothers.....	818
Grosvenor bill.....	242
Grove, Mr. Henry S.....	62
Guizot.....	658
Gwynn, Mr. Charles L.....	502

## H.

Hallam's Constitutional History of the Middle Ages.....	60
Hall & Brown, Wood Working Machine Company.....	824
Hall, Mr. Edwin K.....	660
Hamilton, Brown Shoe Company.....	821
Hamilton Rubber Manufacturing Company.....	823
Hammermill Paper Company.....	829
Hand, Mr. Henry W.....	62, 205
Handlan-Buck Manufacturing Company.....	823
Handlan Warehouse Company.....	827
Harlan, Mr. Justice.....	45, 622
Harlow Shoe Finishing Machinery Company.....	828
Harness, Specifications for.....	365, 367, 369, 372, 374, 376, 387
Harrington & Richardson Arms Company.....	822
Haskins, Hon. Kittredge.....	5, 9, 19, 28, 29, 31, 32, 33, 35, 84, 86, 87, 88, 89, 94, 95, 96, 99, 101, 102, 125, 138, 168, 171, 181, 188, 189, 192, 196, 197, 199, 200, 201, 221, 224, 232, 237, 242, 243, 244, 245, 246, 451, 597, 601, 617, 618, 619, 623, 625, 634, 637, 642, 644, 646, 672, 679, 680, 682, 683, 692, 695, 708, 710, 712, 713, 717, 723, 724
Hawaiian Islands.....	117
Hawes, Von Gal Company.....	822
Hayden, James H., esq.:	
Argument.....	596
Examining witnesses.....	29, 30, 31, 33, 34, 53, 64, 66, 67, 68, 73, 76, 77, 78, 80, 88, 94, 96, 97, 101, 102, 103, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 137, 139, 140, 141, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 172, 173, 174, 183, 188, 205, 206, 210, 211, 212, 213, 215, 218, 219, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 238, 239, 257, 259, 260, 261, 263, 264, 265, 266, 267, 269, 270, 310, 315, 316, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 430, 444

	Page.
Haydenville Company, The	821
Hearings, reprint from previous Senate and House	451-596
Heats, open hearths	507-508
Heine Safety Boiler Company	820
Helsey & Co., A. H.	823
Henry, Patrick	656
Henry & Wright Manufacturing Company, The	828
Henry VI	657
Henry VII	657
Henry VIII	657
Herbert, Hon. Hilary A.	113, 114, 115
Heroy Glass Company	820
Herring-Hall-Marvin Safe Company	824
Hesse Envelope Company	826
Heyl & Patterson	828
Hicky & Freeman Company	826
Hill Company, The Geo. Q.	828
Hill, Hon. E. J.	642, 643
Hill—New York	21
Hitt-McComas bill	242, 644
Hobbs Manufacturing Company	824
Hobbs v. Manhattan Insurance Co.	298, 635
Hodge Boiler Works, The	829
Hodge Electric and Manufacturing Company	821
Hoffman Brothers Company	825
Hoffmann Brothers Produce Company	824
Holden v. Hardy	603, 604, 621
Holder, Mr. Arthur E.	35, 49, 50, 54, 55, 59, 68, 69, 70, 71, 75, 76, 139, 216, 221, 262, 265, 266, 267, 268, 279, 281, 284, 327, 328, 330, 334, 416, 417, 418, 440, 450, 598, 599, 601, 602, 603, 688, 689, 690, 704, 705
Hollinger Construction Company, Job	827
Holmes & Sons, Henry	823
Holmes, Mr. Justice	625
Holmes Lime Company, The	826
Holsman Automobile Company, The	829
Homer Brass Works	829
Homestead Steel Works	264
Horton Manufacturing Company, The	821
Hoosier Manufacturing Company, The	825
Hours of labor:	
Act 1892	4
Act 1868	631
Belgium	627
Chemnitz	58-59
Crefeld	58
District of Columbia	611
Düsseldorf	58
Elberfeld	59
Essen (Krupp)	59
France	627
Great Britain	627
Germany	627
Kansas State law	607
Letter carriers	605
Munich-Gladbach	58
Navy-yards	605
Ohio State law	602, 603-607
Oregon State law	609
State of Oregon	600
Solingen	59
House bill No. 203 (Col.) In re	25
House of Lords cases	635
Housesmiths' union	152, 154
Howe, Mr. George R.	710, 727
Hoyt, Solicitor-General	611

	Page.
H. R. 5860, Fifty-fifth Congress.....	336
H. R. 7389, Fifty-fifth Congress.....	337, 338, 340
H. R. 6882, Fifty-sixth Congress.....	341
H. R. 3076, Fifty-seventh Congress.....	4, 342, 343, 344
H. R. 11651, Fifty-ninth Congress.....	346
H. R. 15651, Sixtieth Congress.....	3, 5, 347
H. R. 4064, resolutions referring.....	581
Hubbard, Eldredge & Miller.....	822
Hudson & Thurber Company.....	827
Hudson Publishing Company, Franklin.....	814
Hull Engineering Department, Cramps, affidavits.....	145
Hunt, Mr. A. R.....	262, 264
Hunt, Hon. John T.....	109, 111
Hunt, Mr. Justice.....	684
Hunter Arms Company, The.....	825
Hyde, Mr. John S.....	108, 112
Hyde Windlass Company.....	103, 112, 114, 116

## I.

Ib. Colorado.....	25
Ice and Cold Machine Company.....	832
Illinois Malleable Iron Company.....	832
Illinois State Association of Master House Painters and Decorators.....	830
Isley-Doubleday & Company.....	831
Imperial Brass Manufacturing Company, The.....	832
Imperial Laundry.....	832
Indiana Manufacturers' Bureau.....	830
International Pottery Company, The.....	833
Industrial workday, shortening of.....	699
Insurance Company v. Morse.....	208-633-684
International Association of Machinists.....	117, 705
International Molders Union of North America.....	704-705
Ireland & Matthews Manufacturing Company, The.....	831
Iron, specifications for.....	357
Iron workers, Cramps, affidavits of.....	141, 142, 143, 146
Irving, Mr. S. C.....	832
Italy.....	158
Ittner Brick Company, Anthony.....	753

## J.

Jaccard Jewelry Corporation.....	836
Jackson & Church Company.....	833
Jacobson v. Massachusetts.....	8
Jacoby Art Glass Company.....	835
Jamestown Cotton Mill.....	834
Jamestown Worsted Mills, the.....	836
Jarecki Manufacturing Company.....	837
James IV.....	657
Japan.....	215
Japanese shipyards.....	311
Japanese v. American laborers.....	317, 318
Japanese war-ship <i>Record</i> .....	311
Jefferson & Kasson.....	835
Jeffrey Manufacturing Company, the.....	836
Jenkinson, Mr. Richard C.....	706, 714
Jenks, Mr. I. Walter.....	257, 266, 267, 271
Jewell Nursery Company, the.....	837
Job, Mr. Frederick.....	690
Johnston & Murphy.....	837
Joiners, Cramps', affidavits of.....	144
Jonas Glass Company, the George.....	834
Jones & Laughlan.....	176, 177
Judiciary Committee, House.....	291

## K.

	Page.
Kalamazoo Stove Company.....	838
Kansas City Employers' Association.....	193, 837
Kansas City Slate and Tile Roofing Company.....	840
Kansas, State of.....	44
Kansas statutes.....	620, 621
Karges Furniture Company, the.....	838
Keen, Mr. John F.....	226
Kelley, Mr. James B.....	234
Kelley Milling Company.....	841
Kemmler, in re.....	9
Kennedy Valve Manufacturing Company, the.....	841
Kentucky Case.....	208, 634
Kenyon Printing and Manufacturing Company, the.....	840
Kersey, specifications for.....	396, 397, 401
Keuffel & Esser Co.....	946
Keyes & Marshall Bros.....	839
Keystone Watch Case Company, the.....	838
Kinbal-Storer Company.....	841
Knox, Mr. Samuel M.....	193, 300, 307, 310, 312, 315, 316, 321
Kohler & Co., F. E.....	841
Kotcher, Charles W.....	839
Krey Packing Company.....	840
Krom Machine Works.....	839
Kuback, ex parte.....	25
Kure Steel Foundry.....	311

## L.

Labor bulletin No. 71.....	626
Labor chart.....	629
"Laborer".....	269
Labor v. Electric Power.....	670
La Fountain, H.....	843
Lake Shore Rubber Company.....	842
Lamb & Ritchie Company.....	846
Lane & Co., J. H.....	844
Lanterns, specifications for.....	855
Laurel Printing Company.....	847
Lawley & Son Corporation, George.....	848
Lehnbeuter-Deichman Manufacturing Company.....	847
Lembeck & Betz.....	843
Leonard, Mr. D. A.....	202
Letters in opposition to bill.....	749-945
Levering & Garrigues Company.....	845
Levor & New.....	844
Lindsley & Son, H. C.....	843
Lippe Restaurant Company, The.....	849
Littlefield, Hon. Charles E.....	116
Lloyd Construction Company.....	846
Lockhart Iron and Steel Company.....	845
Lockner v. State of New York.....	9, 623, 646
Lockwood Manufacturing Company, The.....	848
Loewe v. Lawler.....	641
Logan Iron Works.....	844
Long Machine Company, J. H.....	848
Loose-Wiles Cracker and Candy Company.....	847
Louisville Employers' Association.....	843
Lovell & Buffington Tobacco Company.....	844
Lovell Manufacturing Company.....	842
Lowe v. Rees Printing Company.....	25-606
Lucas & Sons, A.....	849
Lucius Company, the.....	846
Lumen Bearing Company.....	845
Lupton's Sons Co., David.....	901
Lusher, Mr. Bernard.....	947
Lynah v. The United States.....	606

## M.

	Page.
Macey Company, the.....	863
Machinists International Association.....	705
Machinists, International Association of, scale of wages, San Francisco.....	439
Mackintosh, Hemphill & Co.....	866
Madison, Hon. E. H.....	193, 604
Magnus Sons Company, A.....	849
Maguire, Mr. P. J.....	7
Mahoning Lamp Factory.....	850
Majestic Manufacturing Company.....	863
Making steel ships.....	312
Manganese.....	176
Mankato Lime, Stone and Fuel Company.....	864
Mankato Sidewalk Company.....	854
Manufactures' Association of Bridgeport, Conn.....	62
Manufactures' Association, Bridgeport, Conn., resolutions and list of members.....	83
Markland, Mr. George L.....	672
Mare Island Navy-Yard.....	330
Marsh et al. v. Poston & Co.....	25
Marston & Co., J. M.....	865
Maryland Steel Company.....	78, 103, 104
Massachusetts Employers' Association.....	852
Master Housebuilders and Decorators, International Association.....	852
"Materials".....	243
Matthal, Mr. William H.....	186, 187
Matthews, Mr. Justice.....	696
Maynard, Mr. Second Comptroller.....	43
McCleary, Hon. J. A.....	107
McClellan Paper Company.....	947
McComas bill.....	103, 244
McComas, Hon. L. E.....	19, 42, 83, 291, 292, 293, 348, 349, 350
McConway & Torley Company, The.....	861
McCoy-Rodgers Jewelry Company.....	859
McIntosh, Seymour & Co.....	854
McKinley Manual Training School.....	92
McKinley, Hon. William.....	19
McGregor, Mr. John A.....	315, 316, 321, 440, 601, 602
McLauthlin Company, Geo. T.....	866
McLoughlin Brothers.....	851
McMyler Manufacturing Company, The.....	860
McRae & Roberts Company, The.....	864
Mead-Morrison Manufacturing Company.....	857
"Mechanics".....	44, 209, 269
Merchant vessels:	
City of Rio Janeiro.....	305
City of Sydney.....	305
Friesland.....	307
Mongolia.....	306
Manchuria.....	306
Massachusetts.....	306
Mississippi.....	306
New York.....	307
Paris.....	307
St. Louis.....	301, 302, 307
St. Paul.....	301, 302, 307, 310
Widener, P. A. B.....	312, 315
Meridian Life and Trust Company, The.....	856
Merritt & Co.....	862, 866
Mershon & Co., W. B.....	860
Metcalf, Hon. Victor H.....	14, 16, 40
Mexico.....	117
Michigan Bolt and Nut Works.....	857
Michigan Stove Company, The.....	856
Midland Bridge Company, The.....	866

	Page.
Midvale Steel Company.....	113, 167, 177
Milburn Wagon Company, the.....	861
Miller, Attorney-General.....	612
Miller-Kopp Cut Stone Company.....	100
Miller, Mr. Justice.....	616
Miller, Mr. Samuel.....	100
Mills, Mr. William.....	851
Milwaukee Brass Manufacturing Company.....	858
Minneapolis Bedding Company.....	850
Minneapolis Brick and Tile Company.....	851
Minneapolis Electric and Construction Company.....	865
Minnesota Builders' Exchange.....	850
Minor, William E., M. D.....	854
Missouri Malleable Iron Company.....	860
Mitchell Furniture Company, The Robert.....	859
Mobile Employers' Association.....	947
Modern Heating Company.....	862
Modern Steel Structural Company.....	854
Molders' Union, International.....	705
Monarch Brass Company, the.....	855
Monitor Drill Company.....	855
Monongahela Tube Company.....	851
Moody, Attorney-General.....	611
Moody, Mr. Justice.....	45, 611
Moore & Wyman Elevator and Machine Works.....	865
Moran Brothers Company.....	78
Moran & Hastings Manufacturing Company.....	858
Morris Company, I. P.....	206
Morris Machine Works.....	862
Morrison, Mr. Andrew M.....	84-103
Morton Manufacturing Company.....	855
Mott Iron Works, The J. L.....	857
Mugler v. Kansas.....	9
Mull, Mr. James H.....	119
Muller, Curt, v. The State of Oregon.....	605
München-Gladbach, hours of labor.....	58
Mundy, Mr. J. S.....	864
Munsey Building.....	95
Munson Brothers Company.....	857
Murphy Chair Company.....	859
Murphy Iron Works.....	858
Murray & Tregurtha Company.....	850

## N.

Narragansett Machine Company.....	868
Nashville Woolen Mill Company.....	871
"Nation," Berlin, Germany.....	699
National Association of Builders:	
Exchanges.....	246, 255, 256, 870
Delegates to National Convention.....	256
National Association of Manufacturers.....	734
National Electric Lamp Company.....	871
National Erectors Association.....	148
National Foundry Company.....	877
National Enameling and Stamping Company.....	187
National Lock Washer Company, The.....	870, 871
National Metal Trades Association.....	728, 860, 870, 872
National Metal Trades and Founders' Joint Committee.....	794
National Slate Manufacturers' Association.....	721
National Theater.....	95
Navigation, Commissioner of.....	208
Naval Academy.....	77
Naval Committee.....	209, 214
Naval vessels, building of.....	116

	Page.
Naval vessels referred to:	
Aki .....	311
Alabama .....	217
California .....	321, 322
Charleston .....	322
Colorado .....	117
Connecticut .....	66, 67, 68, 69, 137, 138, 139, 310, 330, 726
Dreadnought .....	69, 210, 211, 213, 312, 421, 422
Georgia .....	117
Grampus .....	322
Farragut .....	322
Ibuki .....	311
Idaho .....	125, 209, 211
Kansas .....	321
Kurama .....	311
Louisiana .....	68, 69, 352
Maine .....	117
Marletta .....	322
Michigan .....	319, 320, 321
Milwaukee .....	322
Mississippi .....	200
Monterey .....	322
Nebraska .....	75, 76
New Hampshire .....	307, 319, 320, 321
Nevada .....	117
Ohio .....	322
Oregon .....	321, 322
Paul Jones .....	322
Pennsylvania .....	117
Perry .....	322
Pike .....	322
Preble .....	322
Retvizan .....	117, 217
Satsuma .....	733
San Francisco .....	322
South Carolina .....	72, 129, 135, 211, 214, 229, 320
South Dakota .....	321, 322
Tacoma .....	322
Tartar .....	215
Tennessee .....	68, 69, 137, 229
Varlag .....	117, 217
Vermont .....	321
Virginia .....	117
Washington .....	316
Wheeling .....	322
Wyoming .....	322
Navy Department .....	209, 210, 215, 216
Navy, increase of the .....	612
Navy-yards:	
Brooklyn .....	67, 112, 352
Boston .....	624
Mare Island .....	321
New York .....	66, 67, 77
Nelson Manufacturing Company, N. O. ....	868
Nesler & Co. ....	876
Newark, N. J.:	
Board of Trade .....	706
Manufacturing Jewelers' Association .....	710, 727, 833
New England Butt Company .....	876
New England Structural Company .....	868
New Jersey Master Painters and Decorators' Association .....	867
Newport News .....	68
Newport News Shipbuilding and Dry Dock Company .....	78, 103
New York case .....	292
New York City Master Steam and Hot Water Fitters' Association .....	872
New York eight-hour law .....	155
New York Herald, Japanese ships .....	311, 312

	Page.
New York Leather Belting Company.....	877
New York Merchants' Association.....	869
New York Navy-Yard.....	66, 67, 77
New York Ship Building Company.....	78, 103, 193, 300
New York Storage Company.....	877
Niagara Falls Employers' Association.....	868
Nice, Eugene E.....	874
Nicholls, Hon. Thomas D.....	48, 49, 51,
52, 53, 54, 67, 68, 73, 74, 86, 87, 89, 90, 91, 98, 94, 95, 97, 101,	
102, 122, 123, 124, 125, 126, 129, 130, 131, 132, 133, 136, 137, 138,	
149, 150, 151, 152, 153, 154, 155, 159, 160, 161, 162, 164, 165, 168,	
171, 173, 178, 179, 180, 181, 182, 183, 192, 194, 200, 202, 245, 248,	
249, 250, 252, 254, 267, 268, 270, 278, 279, 280, 281, 282, 305, 306,	
307, 309, 310, 316, 332, 333, 440, 599, 600, 789, 740, 742, 743, 745	
Nickel.....	176
Nicols, Dean & Gregg.....	872
Noble & Company, F. H.....	874
Nordyke & Marmon Company.....	877
Norfolk Woolen Company.....	876
Northern Engineering Works.....	875
Norton Company.....	875
Norton Grinding Company.....	876
Nothnagel, Mr. Edward.....	433
Norris, Hon. George W.....	107, 283, 603, 605, 607, 623, 626
Notre Dame.....	60
Nute v. Hamilton Mutual Insurance Company, The.....	297, 298, 635
Nutter & Barnes Company.....	877

## O.

O'Brien, Mr. Justice.....	25
Ocean steamers. (See Merchant vessels.)	
O'Connell, Mr. Daniel.....	40
O'Connell, Mr. James, argument.....	553
Ohio eight-hour law.....	10
Ohio State laws.....	10, 602, 603
Ohio State Reports.....	10, 20, 61, 289
Ohio statutes.....	620, 621
Oliver Manufacturing Company, The Wm. J.....	878
Omaha Business Men's Association.....	283
Oneita Knitting Mills.....	878
Oregon State law.....	609
Ortmayer & Son, A.....	879
Osborn, Mr. J. T.....	879
Osborne, Mr. M. C.....	255
Oslon, Mr. O. H.....	948

## P.

Paine Lumber Company.....	888
Page Woven Wire Fence Company.....	890
Palmer & Crawford v. Tingle.....	24, 25
Palmer & Parker Co.....	882
Panama Canal.....	103
Paragon Plaster Company, The.....	884
Parlin & Orendorff Co.....	890
Parsons, Mr. James L.....	98
Patterson, Mr. J. E.....	883, 888
Payson, L. E., esq.: Argument.....	335
Eight-hour bills.....	336
Examining witnesses.....	6, 7, 11, 30, 31, 33, 35,
36, 38, 39, 46, 59, 67, 71, 75, 77, 78, 79, 80, 88, 89, 90, 93, 95, 97, 98,	
99, 100, 101, 102, 103, 114, 115, 120, 140, 149, 153, 172, 173, 179,	
186, 187, 189, 195, 203, 239, 248, 258, 261, 262, 265, 268, 269, 270,	
271, 272, 274, 279, 280, 282, 416, 418, 432, 435, 436, 438, 449, 450,	
598, 599, 606, 607, 612, 631, 633, 635, 639, 643, 644, 715, 716, 717	
Specifications, Departmental.....	355



	Page.
Peace Dale Manufacturing Company.....	879
Pearl v. Harris.....	298
Pearson, Mr. Alex. E.....	255
Peckham, Mr. Justice.....	622, 623, 636
Peerless Electric Company, The.....	887
Peerless Laundry Company.....	890
Penberthy Injector Company.....	888
Peninsular Engraving Company.....	886
Peninsular Milled Screw Company.....	888
Peninsular Press.....	884
Pennsylvania Bridge Company.....	92
Pennsylvania Clay Company.....	881
Pennsylvania Engineering Works.....	884
Pennsylvania Steel Company.....	86, 88, 103
People ex rel v. Rodgers et al.....	25, 47
People v. Gillson.....	25
Peoria Citizens' Alliance, The.....	794
Peoria Stone and Marble Works.....	886
Perkin Manufacturing Company.....	949
"Permit".....	271
"Permitted".....	623
Peru.....	158
Peterson Granite Company, P. N.....	883
Philadelphia Gear Works.....	672
Philadelphia Manufacturers' Association.....	193
Philadelphia Metal Manufacturers' Association.....	880
Philadelphia Watch Case Company.....	885
Phillippe, Louis.....	658
Phillips & Buttorff Manufacturing Company.....	885
Phillips, Mr. Chairman.....	7
Phoenix Lumber Company.....	889
Phoenix Silk Manufacturing Company.....	890
Pittsburg.....	176
Pittsburg Builders' Exchange League.....	882
Pittsburgh Construction Company.....	887
Pittsburg Steel Construction Company.....	881
Pittsburg Supply Company.....	889
Pittston Builders' Exchange.....	890
Pope Motor Car Company.....	887
Porto Rico.....	72, 117
Post & McCord.....	148
Post, Mr. W. C.....	148
Post-Office Department.....	243
Powell, Mr. Joseph W.....	62
Powell Company, The Wm.....	884
"Premium," The.....	87
Prendergast Lumber Company.....	889
Price, Capt. Philip M.....	615
Price, Judge.....	25
"Public work".....	614, 625
"Public works".....	612, 613, 614, 625
Putnam Machine Company.....	882

## Q.

Quaker City Rubber Company.....	891
Quincy Business Men's Association.....	891
Quintard Iron Works Company.....	891

## R.

Rabbit, Mr. John F.....	435
Racine Boat Manufacturing Company.....	892
Railroad Company v. New Orleans.....	22
Ralph, Mr. Joseph E.....	493
Rand, McNally & Co.....	900
Randle, Capt. W. G.....	300

	Page.
Ratney, Hon. Henry T.....	27, 28, 108, 109, 110,
111, 198, 211, 212, 213, 215, 216, 217, 241, 243, 244, 246, 250, 271,	
286, 310, 311, 312, 315, 317, 318, 416, 426, 428, 429, 430, 431, 437,	
438, 451, 603, 605, 606, 607, 643, 645, 646, 647, 670, 671, 672, 680	
Industrial workday.....	699
Japanese shipyards.....	311, 312
Ranney Refrigerator Company.....	898
Ravenna Lamp Factory.....	893
Raynor & Taylor.....	897
Reading Railroad Company.....	119
Reed & Co., E. P.....	898
Reed Manufacturing Company.....	892, 900
Reeves Engine and Machine Company.....	894
Reform School.....	98
Regan Brothers.....	899
Regester's Sons Company, J.....	893
Reichard v. Manhattan Insurance Company.....	298
Reliance Manufacturing Company.....	898
Remington Machine Company.....	893
Report on H. R. 4064.....	15
"Required".....	623
Resolutions of Bridgeport Manufactures Association.....	83
Revised Statutes, section 3709.....	43
Reynolds & Reynolds Company, The.....	896
Rhea, Hon. John S.....	239, 240
Richardson, Mr. Joseph.....	26
Ries Bottling Works, Jacob.....	895
Riordan, Hon. Daniel J.....	107, 112, 113
Ritchie & Co., W. C.....	894
Rivett Lathe Manufacturing Company.....	899
Roach, Mr. John.....	305
Roane Iron Company.....	892
Roanoke, Va., Central Trades and Labor Council.....	706
Roberts & Co., James H.....	900
Roberts Brass Manufacturing Company, The.....	893
Roberts Company, The F. W.....	897
Robson Smelting Company.....	899
Roe Stephens Manufacturing Company.....	915
Roland, Madam, French Revolution.....	640
Ross, Mr. Charles G.....	706, 717, 719
Rothschild, Mr. Abraham.....	709, 717
Rowland & Co., L. M.....	896
Römer Sons, F. J.....	894
Rothschild Brothers Hat Company.....	773
Royster Guano Company, F. S.....	898
Russel & Erwin Manufacturing Company.....	897
Russel Wheel and Foundry Company.....	892
Russia.....	115
Russian fleet.....	216
Russian Government.....	217
Russian ships.....	217

## S.

Saddles, specifications for.....	363, 378
St. Louis Syrup and Preserving Company.....	909
St. Paul Builders' Exchange.....	921
St. Paul Foundry Company.....	909
Salem Iron Company, The.....	914
Scates, Mr. I. H.....	184, 197, 201, 202, 204, 205
Schaeffer Bros. & Powell Manufacturing Company.....	917
Schaum & Uhlinger.....	916, 922
Schuler-Mueller Company.....	908
Schultze, Robert, industrial workday.....	699
Schulze Brothers Company.....	919
Scott v. Avery.....	635

	Page.
Scott Manufacturing Company	911
Security-Mutual Insurance Company v. Prewitt	299, 636
Sellers & Co., William	920
Senate Report, Fifty-seventh Congress	19
Serge, specifications for	390
Shakespeare, William	657
Sharon Builders' Exchange, The	912
Shauck, Judge	25
Shaw, Chief Justice	297
Shelby Electric Company, The	905
Sheldon Axle Company	913
Shepherd & Sons, W. H.	902
Shipbuilders, Great Britain	70
Shipbuilding Industry, 1900-1905	74
Shipyard, Doxford	70
Shoes, specifications for	404-407
Shoemaker & Co., Lewis F.	918
Sieber & Trussell Manufacturing Company	908
Simplex Electrical Company, The	905
Sims Company, The	922
Sipp Electric and Machine Company, The	908
Smith, Mr. Layton F.	202, 203, 204
Smith & Sons Manufacturing Company	910
Smith & Wallace	920
Smith Lumber Company, C. A.	920
Smoot v. United States	616
Solicitor, Commerce and Labor	40
Sollingen, Hours of Labor	59
Solomon's Temple	245
Solvay Process Company, the	921
Soon Hing v. Crowley	604
South Africa	117
South America	158
South Bethlehem	176
Southchester Tube Company, the	231
Southern Supply and Machinery Dealers' Association	906
Spain	158
Spanish war	187
Sparrows Point	86
Spears, Judge	25
Specifications for—	
Aparejo	378
Blankets	392
Breeches	393-396
Cloth	400-402, 403
Coats	410
Flannel	398
Harness	365, 367, 369, 372, 374, 376, 387
Iron	357
Kersey	396, 397, 401
Lanterns	355
Saddles	363, 378
Serge	390
Shoes	404, 407
Wagons	390, 391
Wrought iron	356
Spencer, Mr. Herbert	658, 660
Springfield Furniture Company	919
Stahl-Urban & Co.	917
Stamford Foundry Company	906
Standard Brass Works	901
Standard Dictionary	42, 240
Standard Gauge Steel Company	919
Standard Machinery Company, The	911
Standard Underground Cable Company	916
Stanley & Patterson	905

# INDEX.

971

	Page.
Star Ribbon Manufacturing Company.....	912
State of Kansas.....	44
State of Ohio v. Lake Erie Iron Company.....	25
State of Missouri v. Loomis.....	25
State of West Virginia v. Goodwill.....	25
Statute of laborers, 1349, England.....	60
Steamships. (See Naval vessels and Merchant vessels.)	
Stearns Lumber Company, The A. T.....	914
Steel.....	176
Steelton plants.....	96
Steel ships, making, Cincinnati Enquirer.....	312
Steel ships, manufactured.....	312
Stein-Bloch Company, The.....	901
Stengel & Rothchild.....	917
Stephenson v. P. F. and M. Insurance Co.....	635
Sterling Boiler Company, The.....	103, 117
Stettinius, Mr. Edward R.....	119
Stevens Arms and Tool Company, J.....	914
Stillwater Manufacturing Company, The.....	949
Stirling Company, The.....	119
Stone, Mr. Joseph H.....	916
Stone Printing and Manufacturing Company, The.....	918
Strong-Scott Manufacturing Company, The.....	915
Stone, Senator.....	293
Stoneleigh Court.....	98, 100
Stuber & Kuck.....	913
Studebaker Brothers Manufacturing Company.....	909
Sub-Target Gun Company.....	907
Sullivan Machinery Company.....	910
Sunbeam Incandescent Lamp Company.....	915
Superior Fire Linings Company.....	912
Superior Laundry Company, The.....	907
"Supplies".....	17, 42, 43, 45, 240, 296, 696
Supplies, departmental.....	296
Swan Company, The James.....	906
Sweden.....	158
Swett Iron Works, A. L.....	907
Swiss.....	72
Switzerland.....	158
Syracuse Aluminum and Bronze Company.....	922

## T.

Tacoma Mill Company.....	925
Taylor & Boggis Foundry Company, The.....	922
Taylor & Winn Construction Company.....	924
Taylor, Stiles & Co.....	924
Thompson Brothers.....	924
Thompson-Starrett Company.....	193, 234
Thropp, Mr. William R.....	925
Tiler & Stowell Co., The.....	811
Tobey v. County of Bristol.....	298
Tootle, Wheeler & Motter Mercantile Company.....	922
Tracewell, Comptroller.....	42
Tracy, Mr. T. F.....	70, 154, 262, 263, 281, 282, 318, 327, 435, 600
Trade-Mark Case.....	11
Trainor, Mr. John.....	189
Trenton Malleable Iron Company, The.....	924
Trenton Manufacturers and Employers' Association.....	922
Triehle & Sons.....	923
Trimont Manufacturing Company.....	925
Trump Brothers' Machine Company.....	925
Trussed Concrete Steel Company.....	202
Tucker, Mr. Francis J.....	231
Turkish Navy.....	117
Twin City Foundrymen's Association.....	923
Tyne shipyards.....	106

## U.

	Page.
Union Brass and Metal Manufacturing Company	929
Union Foundry and Machine Company	927
Union House Furnishing Company	926
Union Iron Works	78, 321, 596
Union Lumber Company	929
Union Metallic Cartridge Company	174, 175, 176-180
Union Steel Casting Company	930
United Industrial Fiber Company	929
United Iron Works Company	930
United States	212
United States court cases. ( <i>See Cases cited.</i> )	
United States Gypsum Company	930
United States Shipbuilding Company	76
United States v. Adair	290
United States v. Ellis	45, 289
United States v. Hoffman	44
United States v. Jefferson	45, 612
United States v. Ollinger	613, 615
United States v. San Francisco Bridge Company	604
United Zinc and Chemical Company, The	927
Universal Button Fastening and Button Company	926, 928
University of Glasgow	77
Utah Eight-Hour Case	50, 291
Utica Employers' Association	928
Utz & Dunn	930

## V.

Valentine, Mr. Joseph F.	705
Vanadium	176
Van Cleave, Mr. James W.	734
Van Dorn Iron Works Company, The	933
Vermont Slate Operators' Association	721
Vermont Unfading Green Slate Company	933
Vickers Ship Yard	212
Victorian Reign	60, 656
Vilter Manufacturing Company, The	931
Virginia and Pittsburgh Coal and Coke Company, The	932
Virginia Slate Company	933
Vreeland, Hon. Edward B.	17, 18, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, 172, 173, 174, 176, 177, 178, 179, 180, 181, 182, 183, 201, 203, 206, 209, 210, 211, 213, 214, 216, 217, 219, 220, 221, 223, 226, 230, 231, 319, 320, 321, 329, 330, 331, 432, 433, 434, 435, 436, 437, 438, 443, 444, 446, 447, 448, 450, 451, 600, 603, 741, 747

## W.

Wagons, specifications for	390, 391
Waite-Thresher Company	943
Walker Bros. & Hardy	935
Walker, Mr. Oscar W.	934
Warren Electric and Specialty Company, The	934
Warren Manufacturing Company	941
Washington Post	312
Webster & Co., Warren	943
Webster's Dictionary	42, 240
Wesco Supply Company, The	942
West Box Company, F. W.	938
West, Mr. Herbert J.	196
Western College v. Cleveland	23
Westinghouse Company	108
Westinghouse Machine Company, The	939
Westminster Laundry Company	941
Weyl Bakery and Café Company	935

	Page.
Wheeling Potteries Company, The.....	940
Wheeling Bridge and Terminal Company v. Gilmore.....	25, 602, 603, 604
Whitall-Tatum Company.....	747, 938
Whitehead & Kales Iron Works, The.....	827, 940
Whitehead Brothers Rubber Company, The.....	933
Whiting Foundry Equipment Company.....	936
Whitin Manufacturing Company, Paul.....	942
Whitney & Son, Baxter D.....	942
Willcox & Gibbs Sewing Machine Company.....	936
Wilcox, Crittenden & Co.....	934
Willets Manufacturing Company, The.....	941
Williams, Mr. Edwin S.....	246
Williams v. Jackman.....	613
Williams-Davis-Brooks & Hinchman Sons.....	941
Williams, White & Co.....	939
Wilson Manufacturing Company, Jas. G.....	940
Wilson, Mr. W. A.....	940
Wilson, Mr. Woodrow, on the State.....	656
Wilson v. United States.....	617
Winters v. Duluth.....	612
Wisconsin Insurance Case.....	634, 635, 636
Wiss & Sons Company, J.....	937
Wolff Manufacturing Company, S.....	938
Wood & Company, R. D.....	942
Woodhouse Chain Works.....	936
Woodnut, Mr. C. E.....	251
Wood, Mr. F. W.....	103
Wood v. Humphrey.....	298
Woodward & Powell Planer Company.....	939
Worcester Branch National Metal Trades Association.....	949
Worcester Pressed Steel Company.....	935
Worden-Allen Company.....	937
Wrought iron, specifications for.....	356

## Y.

Yale Brewing Company, The.....	944
Yick Wo v. Hopkins.....	604, 696
Yokosuka shipyards.....	311
Young Brothers Company.....	944
Young Company, C. H.....	944
Young Machinery Company, W. J.....	944

## O



















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